

# JOURNAL

OF THE

SESSION OF 1869-70,

OF THE

SENATE OF THE STATE OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

Commencing on the Third Monday in November, 1869.

---

WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

---

MONTGOMERY, ALA.:  
JOHN G. STOKES & CO., STATE PRINTERS.  
1870.

# JOURNAL.

---

SENATE CHAMBER, }  
MONDAY, NOVEMBER 15th, 1869. }

Be it remembered, that this being the third Monday of November, 1869, the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, the Senate was called to order at 12 o'clock, meridian, by the Hon. A. J. Applegate, Lieutenant Governor and President of the Senate.

Prayer by the Rev. John A. McCutchen, Chaplain of the Senate.

The credentials of Mr. William Miller, Jr., Senator elect from the 31st senatorial district, composed of the counties of Butler and Conecuh, were presented, when he was sworn in and took his seat.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney and Wyman—25.

Mr. President presented the resignation of Mr. Jacob Black as Journal Secretary;

Which was read and accepted.

The Senate then proceeded to fill the vacancy caused by Mr. Black's resignation.

Mr. Sibley nominated Mr. J. W. Rains, of Madison county.

Mr. Foster nominated Mr. J. E. Farden, of Montgomery county.

Mr. Martin nominated Mr. W. B. Harris, of Russell county.

## FIRST BALLOT.

Those who voted for Mr. Rains are—

Messrs. Coon, Sibley and Wyman—3.

Those who voted for Mr. Farden are—

Messrs. Barr, Buckley, Farden, Foster, Johnston, Jones, Morton, Pennington, Richards and Wise—10.

Those who voted for Mr. Harris are—

Messrs. Glass, King, Lambert, Lentz, Martin, Miller, Oliver, Royal, Sanford and Stow—10.

There being no choice, the Senate proceeded to a

## SECOND BALLOT.

Those who voted for Mr. Farden are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Jones, Lentz, Mabry, Miller, Morton, Pennington, Richards, Sibley, Wise, Whitney and Wyman—17.

Those who voted for Mr. Harris are—

Messrs. Lambert, Martin, Oliver, Royal and Sanford—5.

Mr. Farden having received a majority of all the votes cast, was declared duly and constitutionally elected Journal Secretary of the Senate.

Mr. Farden was then duly sworn in.

Mr. Jones offered the following resolution ;

Which was adopted.

*Resolved*, That the Secretary of the Senate be authorized to appoint a Page of the Senate in the place of Mr. Taliaferro Page, whose place is hereby vacated ;

And Neil W. Blue was appointed.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
STATE OF ALABAMA, }  
Montgomery, Nov. 15th, 1869. }

*Mr. President :*

I am instructed to announce to the Senate, that the House is organized, and ready to proceed to business.

Very respectfully,

Your obedient servant,

W. B. CLOUD,

Clerk of the House of Representatives..

On motion of Mr. Pennington, the Secretary was instructed to notify the House of Representatives, that the Senate was organized and ready for business.

Mr. Pennington offered the following joint resolution ;

Which was adopted ;

And Messrs. Pennington and Coon were appointed the committee on the part of the Senate.

#### JOINT RESOLUTION.

*Resolved*, (the House of Representatives concurring,) That a joint committee of five, two on the part of the Senate, and three on the part of the House, be raised to wait on his Excellency, the Governor, and inform him that the two Houses of the General Assembly have organized, and are ready to proceed to the transaction of public business, and that they will be pleased to receive any communication he has to make.

Message from the House.

HOUSE OF REPRESENTATIVE,  
STATE OF ALABAMA,  
Montgomery, Nov. 15th, 1869. }

*Mr. President :*

I am instructed to inform the Senate, that the House has concurred in the senate resolution in relation to appointing a joint committee to wait on the Governor, and have appointed on the part of the House Messrs. Emmons, Burton and Reeves.

Very respectfully,

Your obedient servant,

W. B. CLOUD,

Clerk of the House of Representatives.

Mr. Coon offered the following new rule ;

Which was adopted.

The presiding officer of the Senate shall have the regulation and control of such parts of the capitol and of its passages as are, or may be set apart for the use of the Senate and its officers.

Mr. Coon, also, offered the following new rule ;

Which, on motion of Mr. Farden, was laid on the table :

No person shall be admitted to the floor of the Senate while in session, except as follows, viz : The officers of the Senate, members of the House of Representatives, and their



clerks, the Governor of the State and his private secretary, the heads of departments and their clerks, United States senators, members of congress, judges of the supreme court, governors of other States and territories, and ex-governors, senators-elect and judges of the circuit and city courts, judges of probate court and members of board of education.

Mr. Pennington offered the following new rule ;

Which was read and adopted.

That Saturday of each week be considered private bill day, and that no bills or business of a public character be considered on this day until otherwise ordered by the Senate.

Mr. Pennington, from the joint select committee to wait upon the Governor, reported, that the committee had discharged that duty, and that the Governor would communicate in writing.

A message was received from His Excellency, the Governor, by the hands of his private secretary, Mr. D. L. Dalton, as follows :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT.  
Montgomery, Nov. 15, 1869. }

*Gentlemen of the Senate and House of Representatives :*

I tender my sincere congratulations upon the favorable auspices under which you assemble as legislators.

Through the mercies of a kind Providence the cultivators of the soil have this year been blessed with a reasonably abundant crop. That class of our people being prosperous, we naturally find a corresponding prosperity in mercantile, mechanical and other pursuits. Towns and cities are being built up, and internal improvements are going forward. In a material point of view, therefore, we have cause to be gratified at the actual condition of things, and encouraged at the prospect before us.

Nor is it in material prosperity alone that we find so much cause for encouragement. In regard to political affairs, there is a manifest improvement in the public sentiment of the State. We find a diminution of the excitement and intolerance which were engendered among the people during the process of reconstruction. Those who are responsible for the control of the State Government may well felicitate themselves at the favorable change which is thus going on.

Alabama was restored to the Union with a Constitution which deprived a considerable number of our people of the privilege of voting. This naturally produced irritation and complaint. But while this restriction on the elective franchise was embodied in the Constitution, that instrument also contained a provision which authorized the Legislature to remove it. At the first session of the General Assembly after the State was restored, the power thus granted was exercised in the form of enacting a law for the removal of all disabilities which had been conditionally imposed by the State Constitution. Since the enactment of that law we have had in this State what is popularly called Universal Suffrage. I entertain no doubt that this removal of disabilities has contributed largely to the gratifying change referred to. Under the Constitution, it rested entirely with the Legislature either, by non-action, to allow the restriction to continue, and thus leave the persons embraced in it without the right to vote, or, by a favorable action, to invest them with that positive political power which appertained to the elective franchise. The Legislature adopted the latter course, and time has vindicated its justice and wisdom. That measure, besides being just in itself, was so broad and liberal in its character, as to relieve those in authority from the charge of being actuated by a spirit of proscription. In this connection reference may very appropriately be made to the disabilities imposed by the 3d section of the 14th article of amendment to the Federal Constitution. That section prohibits certain classes of persons from holding any Federal or State office, unless their disabilities be removed by a two-thirds vote of each House of Congress. I hope the day is near at hand when Congress will exercise the authority thus given, and enact a law for the general removal of disabilities.

In the process of reconstruction, the elective franchise was conferred upon a class of people in our midst who were formerly slaves. This introduced a new element into politics; and it is not remarkable that, by some, it should have been regarded with grave doubts and distrust. Many good citizens considered it a dangerous experiment, and one which might work serious, if not fatal, injury to our social and political system. As for myself, however, I never shared in these apprehensions. By the issues of the war, the colored man was made free; and the legitimate result of his freedom, and power to maintain it is the right to a voice in naming the men who are to make and execute the laws under which he

is to live. I take pleasure in bearing testimony to the quiet, patient, and peaceful deportment of the freedmen, both as citizens and laborers. By their efforts to educate themselves and their children, they are furnishing commendable evidence of their purpose to improve their mental condition, and thus increase their capacity for good citizenship.

#### MARTIAL LAW.

It is proper that reference be made to the manner in which the laws have been enforced, and the extent to which general order has been preserved throughout the State. Taking the State at large, the laws have been executed with as much promptitude and vigor as could be reasonably expected or desired at any time or in any State. In the same broad sense the people have patriotically yielded that obedience which all citizens owe to the constituted authorities. To this general remark, however, there have been some exceptions.

In particular localities crimes have been committed under circumstances calculated to induce the belief that they were the result of pre-arranged plans; and there is too much cause to suspect that, in some such cases, the local officers were not sufficiently energetic in their efforts to discover and arrest the guilty parties. Another grievance, which has been justly complained of, was the receipt, by certain citizens, of warnings and threats, purporting to emanate from persons determined upon violence, but whose identity was veiled in impenetrable secrecy. Information upon these subjects reached the Executive Department at different times, and from various persons, accompanied, in some cases, by appeals for a remedy against the evils complained of. In a few instances, intelligent and patriotic citizens suggested a declaration of martial law as the best means of securing a proper redress of grievances. Others thought an organization of the militia would accomplish a public good in the way of warning evil doers, and restraining their violence. Some, again, urged both a declaration of martial law, and the organization of a sufficient militia force to maintain military control over designated localities.

It being the undoubted right of every citizen of the State to seek a redress of grievances at the hands of those in authority, it was my constitutional duty to give these appeals a deliberate and careful consideration. Prominent among the obligations resting on the Governor, is that which requires him to take care that the laws be faithfully executed.

When, therefore, I entered upon the consideration of this grave question, I did so, I hope, with a full appreciation of its importance, and of the responsibilities resting upon the Executive in connection with it.

The Governor is clearly not authorized to declare martial law unless there be a condition of things which would justify him in suspending the privilege of the writ of *habeas corpus*. Section 19 of our Bill of Rights provides that the privilege of writ shall not be suspended, "except when necessary for public safety, in times of rebellion or invasion." It will not be contended by any one that the State has recently been invaded. But has there been anywhere within its limits, a "rebellion," in any legal sense, or in the sense contemplated by the Constitution? Rebellion has a clearly defined signification. It means an open defiance of governmental authority, attended by overt acts, or a state of turbulence which interrupts the regular operations of those agencies that are provided by the Constitution and laws for the administration of justice and the punishment of those who commit crime. In other words, there is no rebellion where all the courts are open, and the various officers in condition to perform their respective duties, and unopposed in their regular exercise.

It is lamentably true that an unusual number of crimes have been committed in certain localities. But they are such as it is the duty of the courts to enquire into and punish. Every county has had its regular officers; its judges, justices of the peace and notaries public, whose duty it has been to issue warrants for the arrest of any and all persons reasonably supposed to be guilty of any crime or misdemeanor, punishable by the laws of the State. The sheriffs and constables are bound by the laws and their oaths of office, to arrest all persons for whom warrants have been issued. In order that they may be enabled to perform their duties in this respect, the laws of the State authorize them to summon to their assistance every able bodied man within their respective jurisdictions. Any person refusing to obey the command of such officer, when called upon, is guilty of an offense, and liable to punishment.

No where have the courts been interrupted. No resistance has been encountered by officers of the courts in their efforts to discharge any of the duties imposed upon them by law. It is probable that crimes have been committed by men who combined for their perpetration; and the plans of such men may have been so formed as to elude the vigilance

of judges, solicitors, and grand juries. But the Constitution does not authorize a resort to martial law for the purpose of seeking a remedy for such evils as these. Judges, justices of the peace, and grand juries are authorized by law to use compulsory process to secure the attendance of witnesses. This compulsory process is applicable to preliminary inquiries and examinations for the purpose of determining the question of preferring charges, as well as to attendance upon courts after accusations are in such legal shape as to place persons upon actual trial. In a word, they are provided with all the means which the intellect or physical force of man can furnish, to enable them to discover and arrest the authors of crime. If criminals cannot be identified and arraigned, with all those facilities, it is not likely that they could be detected by any arbitrary power that might be asserted by the Executive, even if he had the constitutional right to invoke it.

In a government based like ours, upon the right of the people to rule, a grave responsibility rests alike upon officers of the law and upon citizens. If a citizen is injured in his person, property, or reputation, he can obtain redress through the courts. The mode by which he is to obtain justice in this way is clearly marked out by the law. It is so plain and simple that any citizen may readily avail himself of it. It is the duty of the proper officer, to whom such citizen complains, to issue process for causing the accused to come or be brought before him, to answer the complaint. If any citizen who is thus injured, fails to perform the plain duty of preferring complaint, he cannot justly allege that the laws are not enforced.

It is said, however, by some who are cognizant of lawless acts, that, owing to the mysterious organization of those who commit them, they are deterred from making their complaints in the manner prescribed by law, by fear of future assassination or bodily injury. Persons who have been assaulted assign this as a reason for not instituting legal proceedings against men composing disguised bands, commonly known as *Ku-Klux*, and who, under such disguise, have violated the laws. It is certainly to be regretted that lawless bands of men should be suffered, in a civilized community, to commit crimes and misdemeanors with impunity. The true remedy in such cases is for the injured parties, who can identify the individuals at whose hands they have suffered, to point them out to the civil authorities. If, from fear of future violence themselves, they will not do this, it is not at all probable that they would point out the offending parties to a military

commander. It seems to me that the danger would be just the same in one case as in the other.

It is readily conceded that, if any citizen of the State has been abused in his person, or injured in his property, and has complained to the proper officer as the law directs, and has by such officer been refused the remedy prescribed by law, such citizen may justly complain that the laws have not been faithfully executed. An officer thus refusing or neglecting to do his duty, is guilty of non-feasance, and liable to be punished. But in any case, the party injured must first do his or her duty. There is ample power in the courts to punish delinquent sheriffs and constables; but no such power is placed in the hands of the Executive. In such cases, the Governor has no authority to do anything except to assist the sheriffs or other ministerial officers in the execution of process. It is his duty to do this with the whole power of the State, when necessary. But he cannot legally interpose the military arm of the State even for this purpose, until all other means provided for the enforcement of law, have been tried without avail. The powers of sheriffs and constables are not exhausted until they have summoned all the able bodied men in the county, and the men summoned to assist him either refuse to obey, or having come to his aid, encountered physical opposition greater than they could overcome. In no county in the State, so far as I am advised, has there been any open and organized opposition to the officers. If there has been such opposition anywhere, it is perfectly safe to assume that it might have been easily swept away by a *posse comitatus*.

By an act of the General Assembly, approved August 11, 1868, it was made the duty of the Governor, whenever in his opinion it was proper, to organize the militia of the State, or any part thereof. Under the authority thus granted I should have had the militia organized, in whole or in part, if I had thought such organization necessary to secure the enforcement of the laws, or the maintenance of tranquillity. But I have been unable to see such necessity. Take, for instance, any county, or part of a county, wherein there was an unusual amount of lawlessness. It has already been shown that nowhere in the State, has there been any interference with the regular functions of the courts or any of their officers. And thus I think it is clear that martial law, even if it were authorized, would not facilitate the detection of crime; and I think it equally clear that an organized militia is not necessary to make arrests.

But it may be thought by some that evil doers would have dreaded the militia to such an extent that its mere organization would have had the effect of restraining their lawlessness ; and further, if need be, companies could have been called into actual service for emergencies where crimes were frequent. To this I think a satisfactory reply can be easily made. Federal troops are stationed at different places in the State, and at points readily accessible beyond its limit. Officers in command of these troops are under general orders from Washington to furnish military assistance to the civil authorities whenever requested to do so. Of this I have been advised from official sources. Applications, at different times, have been made, sometimes by officers, and sometimes by citizens, for troops to be sent to particular places, merely as a measure of precaution ; to allay the fears of the community, and prevent possible turbulence. On all such occasions I lost no time in applying to the proper commander for the desired troops ; and in every instance they were promptly furnished. I have incidentally learned of troops being stationed at different places in the State without any request from this Department. This may have been done merely at the discretion of the military commanders, which, of course, they had an undoubted right to exercise ; or it may have been done at the request of local officers or citizens. The general orders referred to above, require troops to be furnished upon the application of any civil officer, whatever may be his position.

So far, therefore, as there may be any necessity for troops, they are already at hand, armed and equipped. They can be thrown to any desired point, free of expense to the State, and with more dispatch than would be possible with the militia, unless, indeed, it were organized on the basis of a standing army, and kept constantly in the camp and field.

These views are presented for the purpose of showing that there has been no occasion for suspending the regular operation of the civil law. But even if there had been actual necessity for an appeal to military power, the Executive is not invested with the right to exercise it. Section 231 of the Bill of Rights, which is embodied in our Constitution, says " that no power of suspending laws shall be exercised, except by the General Assembly, or by its authority." It is perfectly clear that this section refers to the civil laws of the State, and it is with the legislative department to determine when, how, and for what purpose they, or any part of them, shall be suspended. That department has not ventured to

exercise the suspending power. In this, I think, it has acted wisely, and in accordance with the clear intent of the Constitution, and the true interests of the people. How, then, can patriotic citizens expect the Executive to usurp this power of sweeping away civil authority, by declaring martial law, or otherwise, especially when no sheriff, or other ministerial officer, has reported to the Executive that he was unable to fully discharge his official duties, and when no such officer has ever applied to the Executive for any assistance, either ordinary or extraordinary.

Another source of complaint is found in the allegation that in some cases the proper officers will not make arrests; and that in others the judicial tribunals will not convict. If this be so, the remedy is not with the Executive, for he has no power to establish military for civil courts. The militia, if organized, could do no more than assist in the arrest of offenders, and when arrested they would have to be turned over to the civil tribunals for trial. This is no time for usurpations, or the exercise of arbitrary power. The time-honored bulwarks of civil liberty must be sacredly observed, even if in their observance there be exceptional cases of individual hardships.

But apart from all these considerations, there is neither war nor rebellion in Alabama. We are in that condition which the framework of our institutions recognizes as one of profound peace. It must be a palpable assumption of unwarranted power on the part of the Executive to attempt to rule by military law. The laws of war cannot be applied to a state of peace, without utterly destroying all those constitutional safeguards which it is the solemn and sworn duty of those in authority to preserve, and without a faithful adherence to which there can be no civil government worthy of a free people.

I am aware that it is not usual to discuss a question of this kind in an Executive message. Nor should I have troubled you with its discussion at this time, were it not that there seems to be a misapprehension in the minds of many good citizens, and with a portion of the press, as to the extent to which Executive power may be employed to correct temporary evils in a time of peace. It is feared that the military rule which the people of the State have experienced for the last few years, has induced some indifference to the inestimable value of civil government. Be that as it may, it is a source of regret to find so many citizens of intelligence, and well known patriotism, ready to concede to the Governor



the power of declaring martial law, upon the mere request of a few individuals who allege no grievance that might not be promptly redressed by the civil tribunals. If upon such ground as this, the Governor may supercede the civil authority by declaring martial law, there is nothing to prevent him from continuing himself in power for an indefinite time. He is elected for two years, and until his successor is qualified. If he should decide that there was necessity for martial law throughout the State, he could instruct his provost marshals to allow no elections to be held, and thus no successor would be chosen. In this way he might indefinitely govern the people by military orders, and punish them by drum-head courts.

I find another excuse for the extended treatment of this subject, in my great anxiety to allay discontent ; to pacify all of our people ; and to restore reason and patriotism to their rightful dominion in the State. It is essential to the early and full development of the resources and power of Alabama, to that measure of prosperity and happiness which the people ought to enjoy, that every person within the limits of the State, or who may entertain a thought of coming here, may feel perfectly assured that all their rights of person and property, and all their civil and political rights, will be sacredly protected against usurpation or violence of any kind, either official or unofficial.

#### IMMIGRATION.

The subject of immigration is just now exciting a deep and wide-spread interest. It is not at all remarkable that so much attention should be devoted to it, for it is a question of vast importance. There has never been a time in the world's history when a large population was not the controlling desire in every country that had a government that was influenced by enlightened principles.

To this general rule we form no exception. It is alike our natural desire and our real interest that people should come from abroad and settle among us. But in all our efforts to attract, we should be careful to adopt such a policy as would, if possible, operate to the mutual advantage of the people already here, and those whom we invite. Any plan that would work to the detriment or disadvantage of either would not be in accordance with correct principles. I believe, however, that a large number of immigrants may come to Alabama and greatly improve their condition, and at the same

time contribute to the general prosperity of the country in a way that would inflict injury upon none.

But in order to accomplish this desirable result, much depends upon the general plan to be adopted for attracting immigrants. By some it has been suggested that it would be good policy to have agents sent by the State to different ports of Europe, who could write, and cause to be published, such information in regard to the advantages possessed by Alabama as would induce emigrants to seek a home here. This would involve an expense which the State, in its present financial condition, could not well afford to incur; and therefore I do not think that such a policy should be adopted.

At the present price of cotton, there are few, if any, places in the world where farm labor is as well rewarded as it is in our cotton-growing States. Cotton raising in Alabama is, perhaps, as profitable as in any State in the Union. It is probably more so than the average of them; and hence it can pay as high a rate as any, and higher than some, for the labor that is necessary to produce this great staple. Alabama, therefore, is peculiarly attractive to such laborers as may desire employment in the cotton field.

Some of our mountain counties contain almost inexhaustible quantities of coal, iron, marble, slate and other minerals. Railroads, now in rapid process of construction, will soon be completed, which will open up communication with the mineral regions, and enterprises for their development will create a demand for the labor that is requisite for the purpose.

Then, again, there is a demand, and at an early day there will be much more, for a large number of laborers in connection with the lumber business, near the Gulf coast. These facts are becoming known, and as a knowledge of them extends, we should make known at the same time our desire for laborers to come among us. We should extend a cordial invitation, giving assurance that immigrants will be greeted with a hearty welcome; and that here they would find political liberty, and ample protection for life and property under wise and just laws, faithfully and impartially administered. By such a policy as this, I have no doubt we should secure a large accession, both from Europe and our northern States, of persons who would make industrious and thrifty citizens.

The question of introducing Chinese into this country as laborers forms a special topic in current discussions upon the subject of immigration. All propositions which I have seen,

for bringing this class of persons to the South, are based upon the idea that their labor might be made available for the cultivation of cotton, and obtained at a lower rate than that which is now paid. I do not think that those who favor this experiment have devoted to it that reflection which its importance deserves. At any rate, there are more reasons than one why, in my judgment, we should discourage Chinese immigration. The proposition to use them as a means to reduce the wages of laborers is, of itself, a sufficient reason for opposing the scheme. I do not see how any substantial interest in the State would be benefitted by a reduction of laborers' wages. On the contrary, I should regard such reduction as a positive calamity. We do not want a superabundance of cheap labor. If we have more than capital can profitably employ, the necessary consequences will be poverty, degradation, misery and crime. The poor would not only be deprived of all chances for improving their condition, but they would become still poorer; and at the same time the rich could in no way derive any legitimate profit from the result. If Chinese were brought to the cotton States, it is probable that they would be willing to labor at rates that would barely subsist them. What, then, would become of the laborers we now have among us?

Thousands of good citizens, by the misfortunes of the war, were so reduced in pecuniary circumstances that they are dependent upon manual labor for the support and education of their children. Their little homesteads are all they have left. The products of their small farms now bring a price that is quite remunerative; and this class are beginning to prosper as they never did before. As a natural consequence they are becoming contented and happy. Even the widows and orphans, made so by the war, can make an independent support, live honestly, and have some hope of comfort in the future. By their industry and frugality they may not only provide the means for enjoying an easy life, but may become ornaments of society and the pride of the State.

Again, what is to become of the colored people if wages be reduced to the point aimed at by those who favor the introduction of Chinese? The freedmen own but little property. They are dependent for support upon their labor alone. Planters, at the present price of cotton, can afford to pay their employees a rate of wages that will not only give a comfortable support, but, with proper economy, allow some margin for accumulation. But even in the most favorable point of view, the advantages possessed by

our laboring population are limited enough. The true policy is, by all means, to enlarge rather than diminish them. All pursuits in life rest directly upon the productive industry of the country ; and therefore the laborers have the highest claims upon our encouragement and protecting care.

Labor should be diversified. Too much of it should not be devoted to the production of any one article. While slavery existed, the labor of slaves was directed almost exclusively to the cultivation of cotton. That was the great absorbing interest of the cotton States. It monopolized the capital of the South. Planters seldom thought of making investments except in slaves and cotton lands. The extent of these investments from year to year may be readily inferred when it is remembered that before the war, the annual cotton crop was worth about \$200,000,000. With the cotton raising interest already established, and the profits of this vast amount annually applied to its improvement, it was very naturally a prosperous business. This mode, however, of employing the annual proceeds of the cotton crop necessarily dwarfed the other pursuits.

The error of this policy was perceived at the time by thoughtful and observing men. But now, that the institution of slavery is gone, it is more palpable. Before the war the slave population was a little over 4,000,000. The average value of slaves was about five hundred dollars ; and hence they were worth, in the aggregate, over two thousand millions of dollars. As the average period of the life of the colored race is from twenty to twenty-five years, there was in that period, an extinction of this two thousand millions of invested wealth. Over one hundred millions a year was destroyed by the ordinary mortality of slaves. But all that is now changed. Investments will hereafter be made in regular branches of business, and non-perishable enterprises ; and so there will be a constant swelling of accumulations, and a steady increase of wealth.

I do not wish by any means to be understood as seeking to disparage or underestimate the cotton growing interest. We should all award to that interest its due prominence and value in our State and in the South generally. I hope that cotton will permanently maintain the high price which it now commands. For this reason, if for no other, I should regret a diminution in the rate of wages for cotton producing labor, for with such diminution there would certainly be a

fall in the price of cotton. This would ruin the laborer without in any way benefitting the planter. It is to the mutual interest of laborer and planter to keep up the rate of wages and the price of cotton.

Still, we have other fields of labor that are already inviting to immigrants, and which will become more so by the expanding business which we may reasonably anticipate from the industrial system that will hereafter prevail. More attention should be paid to the raising of grain and live stock. This, by reducing the cost of living, would benefit the entire community. It would particularly inure to the advantage of the laborer, as it would increase his opportunities for saving a portion of his wages. Then, again, we have internal improvements which give employment to a large number of laborers; and others will soon be wanted in coal fields, iron mines, foundries, and cotton factories. There will also be employment for a large number of mechanics. In a word, Alabama is an inviting State for immigrants, whether they be skilled or unskilled laborers.

#### RAILROADS.

By an act of the General Assembly, approved February 19, 1867, it was made the duty of the Governor, on the part of the State, to indorse the first mortgage bonds of railroad companies, when certain conditions were complied with. Before such indorsement could be obtained, twenty miles of road had to be built and equipped. Then the Governor was to indorse for \$12,000 per mile for the road proper, and an additional amount for bridges, viz: Sixty dollars per lineal foot for bridges made of wood, and one hundred dollars per foot for such as were constructed of iron. This rate of indorsement was to continue for every subsequent section of twenty miles until the road was completed.

By an act approved September 22, 1868, this law was so amended as to increase the rate of indorsement to \$16,000 per mile. It also provided that indorsements shall be made for each section of five miles completed after the first twenty; and repealed so much of the former law as relates to bridges. Under the law as thus amended, indorsements, up to the present time, have been made as follows:

For the Alabama and Chattanooga R. R. ....	\$1,800,000
“ “ Montgomery and Eufaula, “ .....	480,000
“ “ Selma, Marion and Memphis, “ .....	320,000
	<hr/>
	\$2,600,000

These roads are in the hands of gentlemen of capacity, energy and responsibility. There is every reason to believe that they will be completed at an early day; that the interest on the bonds will be promptly paid as it falls due; and that everything else will be done to prevent loss to the State on account of the indorsement. I have personally inspected the Montgomery and Eufaula Road, and feel safe in saying that, although it is not constructed very rapidly, yet the work has been done in a manner that reflects credit upon those having it in charge. This road is under the Presidency of Mr. Lewis Owen, who manages its affairs with efficiency and ability.

The Alabama and Chattanooga Road I have personally inspected more than once. That road is being built with great rapidity; and I learn from its officers, the Messrs. Stanton, that it is their calculation to have the entire line from Chattanooga, Tenn., to Meridian, Miss., completed in less than two years.

I have not inspected the Selma, Marion and Memphis Road, but I have satisfactory evidence that the work of building it is energetically prosecuted. Gen. N. B. Forrest is President of the Road, and deserves credit for the efficient manner in which he is managing its affairs.

In my judgment there is a defect in the law which requires the Governor to indorse the bonds of Railroad Companies. I am in favor of extending the credit of the State, with proper restrictions, to necessary and important works of internal improvements; yet I do not think it sound policy to have a general law upon the statute book, requiring the State to indorse for any and every road that may build and equip twenty miles. It is natural that every community and locality should desire the advantages of railway communication. The convenience of such communication is incalculable to every one who wishes to travel, or who has anything to transport. So great is the desire for railroad facilities that counties and towns will readily vote subscriptions to aid them. The inducements to do this are strengthened when it is only necessary to construct twenty miles of road to place it within reach of the State's indorsement. This being accomplished, the indorsed bonds would be applied to a continuation of the road; and as additional indorsements are obtained for every section of five miles after the first twenty, county and town subscriptions may easily be obtained to an extent sufficient to insure the completion of the road.

Thus it will be seen that an entire road might be built

upon public credit, and without the contribution of any individual capital; and it might be done through parts of the State, and between points where there is not sufficient business to justify the expenditure of so much money, raised upon credit alone. It is possible, indeed, to construct a road in this way that would not pay running expenses after it was put in operation. This is not in accordance with the true theory of extending public aid to works of internal improvements. The correct principle upon which to proceed is to lend the State's credit to the efforts of private capitalists, whose practical business sagacity foresees remunerative enterprises.

Inasmuch, therefore, as the present law will probably so operate as to embarrass the State's credit, I deem it a duty to invite such legislation as will protect the State against a misfortune of that character. The best mode of accomplishing this, in my opinion, is to repeal the law which requires the endorsement of railroad bonds. This would by no means preclude the State from extending assistance to meritorious works of internal improvements. On the contrary, the General Assembly, which meets annually, could, from time to time, by special acts, lend its credit to such enterprises as might be found of sufficient importance and necessity to justify it.

There is another subject in connection with railroads to which I invite your attention. It is alleged by merchants who are endeavoring to establish themselves in business in some of the border counties, that they are denied the benefits of the tariff of through freights. Articles, for instance, will be purchased at prominent commercial points in Alabama, and delivered at adjacent towns and cities outside of the State at through rates for less than at intermediate points within the State. This is an unjust discrimination, and operates to the prejudice of our own business men. It induces our border citizens to go beyond the State to sell their produce; and our border merchants are compelled to go to the favored places to purchase their supplies of groceries and other merchandise. The consequence is, towns and cities are built up and sustained by a business which, by the legitimate laws of trade, ought to be retained in our own State. The merchants of Alabama should be allowed at least an equal chance with those of other States; and if the Legislature has the power to prevent a discrimination against them, it is clearly right that the power should be exercised.

So long as common carriers are allowed to discriminate

against home merchants, our people living near the State line, will go abroad to buy and sell. In this way our commercial advantages will go to enrich other States. Our young men will emigrate to such States, and establish themselves in business, in order to enjoy the trade of their old friends and neighbors ; and we thus lose not only the legitimate profits arising from the trade of our own people, but the citizenship of many of our best young men.

The question is respectfully submitted to the General Assembly, in the hope that some law may be enacted that will remedy the manifest evil.

#### PENITENTIARY.

I transmit herewith the annual report of the Inspectors of the Penitentiary. It will be seen that the aggregate number of convicts is 374. The report gives, in detail, the names of the prisoners, the county in which convicted, the crime for which tried, the term of sentence, and prisoner's occupation.

In 1866, the penitentiary was leased for a period of six years. Messrs. Smith and McMillan are the lessees, and by the terms of their contract with the State, based upon special authority of law, they are authorized to employ the convicts any where in the State, in coal fields and iron mines, and in the building of railroads. The policy of employing the convicts in this way seems to have been adopted, mainly, as a means of avoiding the expense that would have been entailed upon the State if they had remained in the walls of the prison. The contract has yet some three years to run ; and under all the circumstances of the case, it is doubtless well that the lease is in operation. No class of convicts, except mechanics, can be profitably employed inside of the penitentiary as heretofore conducted. Of the 374 now under sentence, less than forty are mechanics. Over 250 are reported as having been common laborers, while the remainder are classed as farmers, cooks, laborers, waiters, &c. It would, therefore, be very expensive to support such a large number of convicts in a prison where there would be no employment for them.

Still, I do not think that a lease system should be relied upon as a permanent means of finding profitable employment for penitentiary convicts. When prisoners are thus employed they are subject to treatment for enforcing labor, and restraints to prevent escapes which necessarily involve a degree of hardship which may not be warranted by the true spirit



of those portions of our constitution and laws which authorize the imposition of involuntary servitude as a punishment for crime.

The Penitentiary building at Wetumpka is in a dilapidated condition ; and at no distant day the State will be subjected to a heavy expense either to repair it or to erect a new one. Should it be decided to put up a new building, it will, of course, be proper to determine whether it be done at Wetumpka or at some other place. I am inclined to think it would be advisable to build a new penitentiary on or near some railroad in the iron region of the State. If a prison were situated contiguous to an iron mine, the labor of the convicts might be devoted to the making of iron. An appropriate locality could no doubt be found ; and it is also probable that the State could purchase land with a supply of iron ore, for an indefinite period, to be worked up in the penitentiary. In this way, labor might be furnished for all classes of convicts, whether mechanics or unskilled laborers, to an extent that would, in all probability, make the penitentiary self-sustaining. I respectfully recommend a plan for a penitentiary such as is here suggested.

#### PROPOSED ANNEXATION OF WEST FLORIDA.

At the last session of the Legislature, a resolution was passed directing the Executive to initiate proceedings for the acquisition of certain territory of the State of Florida. Under the authority of that resolution I appointed three commissioners, who were subsequently met by three commissioners appointed by the Executive of Florida, and terms for the proposed transfer agreed upon. A copy of this agreement will be laid before you.

By resolution of the Legislature of Florida, it was provided that, before final action be taken in regard to this transfer, the counties immediately interested be permitted to vote either for or against the proposition. This election took place on the first Tuesday of this month. I am not yet informed of the result of the vote, and must, therefore, at a future day, make a special communication to the Legislature upon this subject.

#### FINANCE.

The accompanying reports of the Auditor, Treasurer, and State Financial Agents show, in detail, the operations of the

**Treasury for the last fiscal year, the present condition of the State's finances.** For the fiscal year ending September 30, 1869, the expensens of the State government amounted to \$1,932,404 42.

In addition to this amount, there was disbursed, during that period, the sum of \$308,453 39, which formed a part of the expenses of the previous year.

Taxes for the last fiscal year were collected under the revenue laws enacted before the present State government went into operation, though licenses were issued under the law of December 31, 1868. Receipts from these sources for the year amounted to \$686,451 02. At the beginning of the year the amount in the treasury was \$215,787 07. These two sums make \$902,238 09. It was necessary to resort to a temporary loan or a sale of bonds to make up the difference between this amount and that which was requisite to be paid from the treasury, including temporary loans and accumulated school interest for the preceding year. A sale of bonds was deemed preferable, and no loan was negotiated except one, for a short period, of \$50,000, which has since been paid. The amount in the treasury and subject to draft, on the first of October last, the beginning of the fiscal year, was \$127,238 15.

The present bonded indebtedness of the State is \$5,270,400. In the accompanying reports of the Auditor and State Financial Agents will be found tabular statements, showing when the various bonds issued against the State were issued, the amounts of the different classes, where payable and the rates of interest. It requires \$307,354 00, annually, to pay the interest on our bonds.

Among the bonds held against the State some are payable in London. Of these bonds \$688,000 mature in 1870. The State has the right to extend these bonds at maturity if it thinks proper to do so. This right is expressed upon the face of each bond. The bonds referred to draw interest at the rate of six per cent. per annum. I recommend the enactment of a law under which these bonds may be either redeemed or extended, as may be considered best for the interest of the State.

By an act approved August 12, 1868, the Governor was authorized to appoint a financial agent for the State. Under the authority of that law I appointed Messrs. Lehman. Durr & Co., of this city. To these gentlemen the State is under many obligations, not only for substantial favors bestowed,

but also for the promptitude and efficiency with which they have transacted all the business of the financial agency.

#### REGISTRATION.

It is not improper that I should call your attention to the operation of the present registration laws of this State. A full, fair, and unrestrained expression of the public voice, through the ballot, is the safest and most reliable agency to secure permanent peace and general tranquillity. There should be no intricate and complicated machinery connected with the exercise of the right of suffrage. The whole system should be simplified so as to effectuate the great and fundamental policy of our constitution on this subject. No legislation, in my judgment, is necessary, except just so much as will preserve the purity of the ballot box ; and at the same time afford an opportunity for a full, fair and free expression of the popular voice. Numerous and serious complaints have been made ; confined to no particular locality or interest, that under the operation of the Registration Act, approved October 5, 1868, a full and fair expression of the popular voice, though not entirely defeated, has been greatly embarrassed, and by no means satisfactory. It is true, the constitution requires the establishment of a system of registration. But it is equally true that it never contemplated one so complicated and cumbersome in its details, that by the manipulations of designing men, the will of the people might or could be defeated. The present system has not worked successfully or satisfactorily, nor has it met the expectations of its friends or the public. I therefore feel constrained to invite your attention to the importance of a simplification of a system established under the present law. Whatever defects and imperfections there may be in it, will no doubt readily suggest themselves to your minds, and you will doubtless have little difficulty in maturing a system that will remedy the evils to which I have referred.

#### EXAMINATION OF OFFICES.

Section 70 of the Revised Code makes it the duty of the Governor to appoint, at least once in each year, three commissioners to examine the books, accounts and vouchers of the Auditor, Superintendent of Public Instruction, and State Treasurer. For the purpose of carrying into effect the provisions of that section, I appointed Messrs. J. A. Farden,

John B. Taylor and B. H. Screws, as commissioners. It is personally known to this department that those gentlemen made a searching and thorough examination into all the details of the offices covered by their commission. The result of their labors is embodied in an official report, a copy of which is herewith transmitted. It will be seen that the commissioners found that all expenditures from the treasury have been made in strict conformity with law; and that the books and accounts of the different offices are kept in a neat and business-like manner.

#### SCHOOL FUND.

The Auditor is a faithful and efficient officer; but I am constrained to express my dissent from the views embodied in his report in regard to the school fund. He says, in effect, that the fund has been lost or misapplied by the State. It is perfectly clear to my mind that his reasoning and conclusion are based upon a misapprehension of the laws of Congress under which the fund was created, and the constitution and laws of the State under which it is controlled.

By the act of Congress, approved March 2, 1827, the Legislature of Alabama was clothed with authority to sell and convey in fee simple, the lands, or any portion thereof, which have been appropriated to the State for school purposes; and to invest the money arising from the sales in some productive fund, the proceeds of which shall be forever applied, under the direction of the Legislature, to the support of common schools. Under the language of this constitutional statute, full discretion is given the Legislature to determine the manner in which the investment is to be made. The Legislature, for all the purposes of this act, is not the State; but as trustee it invested the fund in the State's credit. In pursuance of a law passed for the purpose, the State took the money arising from sales of donated lands, under express statutory obligations to pay interest upon it. This was done many years ago; and the State has scrupulously complied with its engagement by promptly paying the required interest; while the trustee (the Legislature,) made effective provision for the application of the interest to the support of common schools in the appropriate townships. In all this there is no misapplication or destruction of the fund.

It is true, the Legislature might have invested the fund in bank stocks or other securities. But it exercised its discre-

tion otherwise, though in a way that accomplished all the purposes contemplated by Congress.

The auditor further speaks of this school fund as a part of the State's indebtedness. On this point, also, there is manifestly a misapprehension. It is expressly provided by the law of Congress that the fund proper is never to be paid to the beneficiary, or used in any way or for any purpose except to produce an income. All the legislation of our State has been in strict accordance with this provision. But this is not all. A similar requirement is embodied in our State constitution. Section 10, Article 11, of that instrument, says that the fund in question "shall be and remain a perpetual fund," "the interest and income of which" shall be "inviolably appropriated to educational purposes." Inasmuch, therefore, as both the law of Congress and the State constitution prohibit the payment of the fund itself, or any part thereof, it cannot, in any legal sense, be considered a debt. Further than this, that part of the constitution above cited, which provides that the fund "shall be *and remain*" perpetual, not only sanctions what has already been done with it, but seems to require that it be permanently kept in its present condition.

Misapprehension on this subject is the natural result overlooking the following undeniable positions: 1st, Congress made the Legislature, not the State, the trustee; 2nd, the trustee is required to invest the fund so as to produce an income, and is specifically prohibited from paying over the fund to the beneficiary; 3rd, the trustees, (the Legislature,) is clothed, by the of Congress, with a large discretion as to the mode in which the fund is to be invested; 4th, an obligation by a State statute is as effectual as by a State bond.

#### CRIMINAL STATISTICS.

By section 108, Paragraph 5, of the Revised Code of Alabama, it is made the duty of the Attorney General to submit to the Governor, annually, a report consolidated from the reports of solicitors, showing the number of persons indicted, convicted, &c., in the State. It appears, however, that there is no law imposing upon the solicitors the duty of making reports, or prescribing the time when, or the manner in which it shall be done.

A communication upon the subject from the Attorney General, is herewith transmitted. I invite your attention

to the subject, and recommend such legislation as will secure proper reports from the different solicitors in the State.

#### PARDONS.

Section 7, Article 5, of the constitution, requires the Governor to communicate to the General Assembly a list of the cases in which reprieves, commutations, or pardons have been granted. In compliance with the provisions of that part of the constitution, I transmit a list of such cases as have been acted upon since the present State government went into operation, together with the reasons for such action.

#### ALABAMA SCHOOL LANDS IN NEBRASKA.

At your last session I called attention to the condition of certain lands in Nebraska, which had been selected for the 16th section embraced in the twelve miles square reservation in this State. In my communication upon the subject I expressed the opinion that those lands were worth about \$6,000. This opinion was based upon the most reliable information then at hand. I afterwards appointed an agent, who advertised and sold the lands in the manner provided by law ; and the aggregate amount of the sales was \$20,480 00. A stated account of the sales is transmitted herewith. It will be seen that the tabular statement shows the exact amount which passes to the credit of each township in the reservation.

#### TAXES.

It has already been shown that a considerable portion of the amount disbursed from the treasury for the last fiscal year was for liabilities contracted, and school interest accumulated, for the previous year. But for the present year there are no antecedent liabilities to be provided for. Our revenue laws, therefore, should be so framed as to raise such amount only as will meet the actual expenses of the State Government for the present year. As the laws now stand, the rate of taxation on real and personal property is three-fourths of one per cent. This is a burdensome tax, and should not be continued unless it be necessary. I do not think the financial condition of the State requires such a heavy tax ; and therefore recommend that the tax on

real and personal property be fixed at one half, or at most, six-tenths of one per cent.

I invite your attention to the question of providing a board of equalization for the State, similar to that which is provided for each county, so that there may be an equitable assessment throughout the State. The assessment returns, as now made, exhibit a remarkable disproportion in the value of property of the same character in adjacent counties. There should, if practicable, be some law for establishing a rate of assessment as nearly uniform as is consistent with the differences necessarily incident to separate localities.

#### INDUSTRIAL RESOURCES.

I transmit herewith a report of the Commissioner of Industrial Resources; and invite the attention of the General Assembly to the suggestions and recommendations of that officer.

#### THE XVTH AMENDMENT.

I have received from the State Department at Washington a duly authenticated copy of a Joint Resolution of Congress, proposing a XVth Amendment to the constitution of the United States. The proposed amendment meets my approbation. With this avowal of my position in regard to it, I submit herewith a correct copy of the said joint resolution.

W. H. SMITH.

Which message was read.

On motion of Mr. Barr, fifteen hundred copies of the same were ordered to be printed for the use of the Senate.

---

Mr. Foster offered the following resolution,  
Which was adopted:

*Resolved*, That it shall be the duty of the President of the Senate to appoint anew or revive the standing committees of the Senate that existed during the last session.

#### FIFTEENTH AMENDMENT.

Mr. Coon introduced a joint resolution;  
Relating to the joint resolution of the Congress of the

United States proposing an amendment to the Constitution of the United States, known as Article Fifteen ;

Which joint resolution was read three times forthwith under a suspension of the constitutional rule, and passed.

Yeas 24, nays 0.

Those who voted in the affirmative are —

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Jones, King, Lambert, Lentz, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney and Wyman—24.

Mr. Sibley introduced a bill—

To legalize certain elections ;

Which was read twice forthwith ;

And on motion of Mr. Lambert, was referred to a select committee, and Messrs. Lambert, Sibley and Barr were appointed on said committee.

Senate then adjourned till 11 o'clock to-morrow morning.

TUESDAY, November 16, 1869.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Franklin.

#### CALL OF THE ROLL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Johnston, Jones, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—28.

Journal of yesterday was read and approved.

Messrs. Bromberg, Johnston, Mahan, Sevier and Yordy had their names recorded in favor of the passage of

Joint resolution relating to the joint resolution of the Congress of the United States proposing an amendment to the Constitution of the United States, known as Article Fifteen.

And Mr. Worthy had his name recorded against the passage of said joint resolution.

Mr. President laid before the Senate the following standing committees as revised :



## STANDING COMMITTEES.

*Finance*—J. P. Stow, T. Lambert, R. N. Barr.

*Agriculture and Manufacture*—T. Lambert, I. D. Sibley, J. P. Stow, H. H. Wise.

*Judiciary*—G. T. McAfee, A. N. Worthy, J. L. Pennington, I. D. Sibley, W. B. Jones, J. A. Farden, W. M. Buckley, J. T. Foster, D. V. Sevier.

*Militia*—R. N. Barr, J. A. Farden, J. J. Hinds, D. E. Coon, W. W. Glass.

*Education*—J. DeF. Richards, W. M. Buckley, W. Miller, Jr., F. G. Bromberg, R. F. Royal.

*Accounts and Claims*—J. T. Foster, J. W. Mahan, B. Lentz.

*Internal Improvements*—D. E. Coon, J. J. Hinds, C. O. Whitney, J. DeF. Richards, J. L. Pennington, J. A. Farden, A. N. Worthy, J. T. Foster, R. N. Barr.

*Municipal and County Organizations*—H. C. Sanford, J. T. Foster, D. E. Coon, I. D. Sibley, J. W. Mabry, C. O. Whitney, W. B. Jones.

*Grievances and Disabilities*—J. Oliver, P. King, F. D. Wyman, B. Johnston, W. W. Glass.

*Printing*—J. A. Farden, C. O. Whitney, J. F. Morton, J. L. Pennington, J. DeF. Richards.

*Banks and Insurance*—W. Miller, Jr., J. Oliver, W. B. Martin, J. P. Stow, F. G. Bromberg.

*Rules and Regulations*—F. G. Bromberg, J. W. Mabry, G. T. McAfee, B. Lentz, J. W. Mahan.

*Privileges and Elections*—J. J. Hinds, P. King, D. V. Sevier, B. Johnston, H. H. Wise.

*Taxation*—F. D. Wyman, H. C. Sanford, W. B. Martin, W. M. Buckley, B. F. Royal.

*Enrolled Bills*—J. A. Yordy, I. D. Sibley, D. V. Sevier.

*Fees and Salaries*—D. V. Sevier, W. B. Jones, B. Johnston, P. King, J. F. Morton.

*Appropriations*—C. O. Whitney, I. D. Sibley, J. L. Pennington, J. T. Foster, J. P. Stow.

*Federal Relations*—J. L. Pennington, J. A. Yordy, A. N. Worthy, W. M. Buckley, C. Hays.

*Registration*—I. D. Sibley, H. C. Sanford, J. Oliver, R. N. Barr, B. F. Royal.

*Engrossed Bills*—W. B. Jones, D. V. Sevier, H. H. Wise.

*Contingent Fund*—H. H. Wise, B. Johnston, W. Miller, Jr.

*Public Buildings and Institutions*—A. N. Worthy, J. W. Mabry, J. W. Mahan, H. H. Wise, T. Lambert.

*Poor Laws and Charitable Institutions*—P. King, B. Lentz, F. D. Wyman, W. W. Glass, J. DeF. Richards.

*Industrial Resources*—R. N. Barr, J. P. Stow, W. B. Martin.

*Roads and Public Highways*—C. O. Whitney, B. Johnston, J. F. Morton, W. B. Martin, W. W. Glass.

On motion of Mr. Whitney, one hundred copies of said committees were ordered to be printed.

Mr. Lambert, from the select committee, submitted a report signed by Messrs. Barr and Sibley, favorably to the bill,  
To lagalize certain elections ;

Which report was received, but the further consideration of the subject was postponed.

Mr. Pennington, with leave, offered the following resolution,

Which was adopted :

*Resolved*, That the Secretary of State be requested to communicate to the Senate, as early as practicable, all information in his possession relative to elections held in August last for members of the school board, and whether or not such election was holden according to law.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, joint memorials and resolutions were introduced :

By Mr. Sibley—

To provide for common schools of Alabama ;

Which bill was read twice forthwith and referred to the Committee on Education.

By Mr. Sibley—

To apply the poll tax and one-fifth of the revenue for the year 1868, to school purposes ;

Which bill was read twice forthwith and referred to the Committee on Taxation.

By Mr. Whitney—

To incorporate the Southern States Telegraph Company.

By Mr. Martin—

To locate the county site of the county of Russell.

By Mr. Farden—

Explanatory of an act to provide for the registration of electors.

By Mr. Farden—

To authorize the State Treasurer to sell the specie in the State treasury.

By Mr. Farden—

To amend an act entitled “An act for the protection of holders of insurance policies in this State.”

By Mr. Jones—

To amend section 2302 of the Revised Code.

By Mr. Jones—

To repeal an act therein named, approved February 20, 1866.

By Mr. King—

For the building of a court-house in Dale county.

By Mr. Pennington—

Joint memorial to the Senate and House of Representatives of the United States of America, and joint resolutions ;

Which bills, joint memorial and resolutions were severally read and ordered to a second reading.

Mr. Whitney offered the following resolution ;

Which was read and laid on the table :

*Resolved*, That the Secretary of the Senate be authorized to procure copies of all the daily newspapers published in the city of Montgomery, to be placed upon the desks of the members of the Senate during the present session.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
November 16, 1869. }

*Mr. President :*

The House has concurred in the adoption of the Senate joint resolution in relation to the joint resolution of the congress of the United States, proposing an amendment to the Constitution of the United States, known as “Article Fifteen.”

Very respectfully,

Your obedient servant,

N. B. CLOUD,  
Clerk.

Mr. Farden offered the following resolution,

Which was adopted :

*Resolved*, That a committee of two be appointed by the president of the Senate to examine and report to the Senate, whether the provisions of the charter establishing the Masonic Home in the county of Chambers, have been violated ;

Messrs. Farden and Whitney were appointed said committee.

Leave of absence was granted to Mr. Buckley, on account of sickness in his family.

On motion of Mr. Barr, the resolution adopted yesterday, making Saturday of each week private bill day, &c., was rescinded.

Communication from the Secretary of State :

The following communication was received from the Secretary of State ;

Which was read :

OFFICE SECRETARY OF STATE, }  
November 16, 1869. }

Hon. A. J. APPLEGATE,

*Lieut. Gov. and President of the Senate :*

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of this date, requesting information relative to the election of members of the board of education in August last.

No warrant of election was issued to any sheriff for the election of members of the board of education, for the reason that the Governor is satisfied that no authority is given him, either by the constitution or laws of Alabama, to issue warrants for such election at any other than the time specified in section 7 of "An act to regulate elections in this State," approved October 8, 1868.

No provision of law exists for filling a vacancy in the board of education. I have on file in this department, certain papers signed by the judge of probate, sheriff and clerk of the circuit court of various counties, giving the name of and number of votes received by persons for the office of members of the board of education.

To the inquiry, "whether or not such election was holden according to law ;" I answer, that for the reasons assigned, it was not, and therefore no certificates of election were issued from this department.

I have the honor to be,

Very respectfully,

Your obedient servant,

CHAS. A. MILLER,

Secretary of State.

Bill to legalize certain elections was ordered to a third reading.

Mr. Farden offered the following, which lies over under the rule :

*Resolved*, That no bill of a public nature shall be considered on Saturday.

Mr. Farden offered the following resolution,

Which was laid on the table :

#### RESOLUTION.

*Resolved*, That the senate shall meet hereafter at 11 o'clock, A. M., and adjourn at 3 o'clock, p. m., of each day.

Mr. Jones moved to adjourn till 9 o'clock to-morrow morning.

Mr. Farden moved to adjourn till 11 o'clock to-morrow morning.

Mr. Barr moved to adjourn till 10 o'clock to-morrow morning.

Mr. Farden's motion was lost, and Mr. Barr's was carried.

WEDNESDAY, November 17, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain of the Senate.

Mr. President announced the following additions to the Standing Committees :

*On Internal Improvements*—Messrs. Barr and Pennington ; and Mr. Richards in the place of Mr. Morton.

*On Municipal and County Organizations*.—Messrs. Jones and Sibley.

Mr. Pennington offered the following,

Which was adopted :

*Resolved*, That the president be authorized to appoint a messenger to wait upon the Senate floor, and a door-keeper to attend the door leading to the gallery ; salary not to exceed three dollars a day.

On motion of Mr. Pennington, the Senate decided that bills, &c., should be restricted to the hour from 10 o'clock to 11 o'clock, each day.

On motion of Mr. Coon, the Senate decided, that when it adjourns to-day, that it adjourns until 10 o'clock Friday

morning, in deference to the proclamation of President Grant, and Governor Smith, setting apart to-morrow as a day of Thanksgiving and Prayer.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Lentz, to amend section 17 of an act entitled an act to establish revenue laws for the State of Alabama ;

By Mr. Sibley, for the relief of James H. Gill, of Madison county ;

By Mr. Sevier, for the relief of G. W. Osborn and Presley Tharp of Franklin county ;

By Mr. Martin, in relation to the working on public roads in Russell county ;

By Mr. Farden, to constitute the clerks of the circuit courts, *ex-officio* clerks of the county courts ;

By Mr. Farden, to amend an act entitled an act to amend section 4063 of the Revised Code of Alabama ;

By Mr. Farden, to establish a public ferry across the Tallapoosa river ;

By Mr. Farden, to authorize the county treasurers of Elmore and Autauga counties to pay salaries in lieu of fees, to the solicitors of said counties ;

By Mr. Farden, to authorize and empower Joseph L. Hall, a minor of Autauga county, to settle with his guardian ;

By Mr. Farden, to prevent the breaking of baggage ;

By Mr. Farden, to amend section 844 of the Revised Code ;

By Mr. Pennington, to establish a criminal court for Macon county ;

By Mr. Jones, for the relief of John E. Boddie, of Marengo county ;

By Mr. Bromberg, to authorize the Southern Life Assurance and Trust Company of Mobile, Alabama, to cease business, to realize its assets and distribute its assets remaining after the payment of its debts, among its stockholders ;

By Mr. Bromberg, to incorporate the Mobile Bay and Fowl River Canal Company ;

By Mr. Worthy, for the relief of Mariah D. Jackson, of Pike county, Alabama ;

Which bills were severally read and ordered to a second reading.

By Mr. Pennington, to confine special Order No. 96, issued from headquarters, 3d military district, dated Atlanta, Ga., August 5, 1867 ;

Which bill was read twice forthwith and referred to a select committee composed of Messrs. Pennington, Farden and King.

By Mr. Stow, memorial of Southern Express company ;

Which was referred to the Committee on Taxation ;

By Mr. Jones, for the relief of W. T. Blackford, of Hall county ;

Which bill was read three times forthwith under suspension of constitutional rule and lost on the final passage, not receiving the constitutional two-thirds vote ;

Those who voted in the affirmative are, Messrs. Coon, Farden, Foster, Glass, Johnston, Jones, King, Lentz, Mahan, Martin, Miller, Morton, Sevier, Sibley, Wise, Whitney, Worthy, Wyman and Yordy—19.

Those who voted in the negative are, Messrs. Bromberg, Lambert, McAfee, Mabry, Oliver, Pennington, Richards, Royal, Sanford and Stow—10.

By Mr. Pennington, to authorize county superintendents of education to use grand jury rooms ;

Which bill was read twice forthwith and referred to the Committee on Education.

Mr. McAfee was allowed to have his name recorded in favor of the passage of the joint resolution ratifying the 15th amendment of the Constitution of the United States.

Under resolution of Mr. Pennington—

Mr. President appointed master Howard H. Barr, messenger of the Senate; and W. E. Bryant, door-keeper of the Senate gallery.

#### GENERAL ORDERS.

Bills, to incorporate the Southern States Telegraph Company ;

To amend section 2302 of the Revised Code ;

Were severally read a second time and referred to the Judiciary Committee.

Joint memorial and joint resolution to the Congress of the United States ;

Were read a second time and referred to the Committee on Federal Relations.

Bills, for the building of a court-house in the county of Dale ;

To repeal an act therein named, as to Demopolis beat ;  
 Were severally read a second time and referred to the Committee on Municipal and County Organizations.

Bill to amend an act for the protection of holders of "Insurance policies in this State" ;

Was read a second time and referred to the Committee on Banks and Insurance.

Bill to authorize the State Treasurer to sell the specie in the State treasury.

Was read a second time and referred to the Committee on Finance.

Bill, explanatory of an act to provide for the registration of electors ;

Was read a second time and referred to the Committee on Registration.

Bill to locate the county site of Russell county ;

Was read a second time and referred to the Committee on Municipal and County Organizations.

Bill to legalize certain elections ;

Was read a third time and passed—Yeas 20, nays 9.

Those who voted in the affirmative are, Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, Jones, Lentz, McAfee, Martin, Morton, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Wyman and Yordy—20.

Those in the negative are, Messrs. Bromberg, King, Lambert, Mabry, Mahan, Oliver, Pennington, Stow and Worthy—9.

The following introduced yesterday, was taken up and adopted :

*Resolved*, That no bill of a public nature shall be considered on Saturday.

Senate then adjourned till 10 o'clock Friday morning.

FRIDAY, November 19, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Bromberg, Coon, Johnston, Jones, Lambert, Lentz,



Mabry, Mahan, Martin, Miller, Morton, Oliver, Royal, Sanford, Sevier, Sibley, Wise, Worthy, Wyman and Yordy—20.  
Journal of Wednesday was read and approved.

Message from the Governor as follows:

EXECUTIVE DEPARTMENT, }  
Montgomery, November 19, 1869. }

*Gentlemen of the Senate,  
and House of Representatives:*

I transmit herewith a copy of a communication which has been submitted to this department by Messrs. A. M. West, A. Murdock, R. M. Patton, L. Owen, and C. T. Pollard, in regard to the Railroad interests of Alabama. It will be seen, that these gentlemen suggest the appointment of a joint committee of the two Houses, with which they may have an opportunity of conferring upon the subject embraced in their communication.

I hope it will be the pleasure of the General Assembly to adopt the course which is thus suggested.

WILLIAM H. SMITH.

Which message was read.

Mr. Pennington offered the following joint resolution ;

Which was adopted.

Joint resolution to raise a joint committee, to whom shall be referred a special message from the Governor, relative to railroads, &c.

*Resolved* by the Senate, the House of Representatives concurring, That the special message of His Excellency, the Governor, accompanying a communication from Charles T. Pollard, and others, be referred to a joint committee of eight, three on the part of the Senate, and five on the part of the House, to be appointed by the presiding officers of each.

And Messrs. Pennington, Sibley and Oliver were appointed said committee on the part of the Senate.

Leave of absence was granted to Messrs. Barr, Bromberg, Pennington, Whitney, Foster and Coon.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Sevier, (with petition)—For the relief of W. C. Thorn, of Franklin county.

To repeal an act as far as Franklin county is concerned, requiring county commissioners court to publish semi-annual exhibits of receipts and expenditures of money, &c.

To relieve the chancellor of the northern chancery division of the State of Alabama, from the necessity or obligation of holding two chancery courts, annually, in the counties of Franklin and DeKalb.

By Mr. Sanford, to repeal an act therein named ;

By Mr. Oliver, to define the duties of chancery judges in this State.

By Mr. Pennington, to regulate common carriers.

By Mr. Pennington, for the relief of John S. Baugh, of the county of Lee.

By Mr. Pennington, for the relief of Bryant H. McCulloch.

By Mr. Glass, to incorporate the town of Tuskegee, in the county of Macon.

By Mr. Mabry, for the relief of C. M. Beasley, of Bullock county.

By Mr. Stow, to amend paragraph 2, section 12, of the revenue laws.

By Mr. Stow, to give the probate court of Montgomery county, jurisdiction of the estate of James C. Ray, deceased, late of Macon county.

By Mr. Pennington, to prevent the sale of spirituous liquors within one mile of Beulah church, in the county of Lee.

By Mr. Coon, to amend paragraph 42, section 4340 of the Revised Code.

By Mr. Wyman, to amend section 3,733 of the revised Code.

By Mr. Wyman, for the relief of indigent defendants in criminal cases.

By Mr. Jones, for the relief of the poor of Marengo county.

By Mr. Jones, to remove the county seat of Greene county, from Eutaw to Fair View.

To authorize the administrator of the estate of Gottlieb Brietling, deceased, to compromise debts due said estate.

To protect planters and farmers of Greene county from depredation of stock.

To amend section 1 of an act entitled "An act to appoint counsel in certain cases," approved, December 30, 1868.

Joint resolution in relation to appointing a joint committee

to visit the State prison, deaf, dumb and blind institution, and insane asylum.

By Mr. Barr—

To determine the salary of the judge of the circuit court for the 6th judicial circuit.

By Mr. Miller—

To fix the times of holding the circuit courts in the 11th judicial circuit.

By Mr. Worthy—

For the relief of Robert A. Ross and James F. Hartsfield. Declaring the effect of certain decrees in chancery.

By Mr. Farden—

To amend section 817 of the Revised Code.

To purchase statuary for the capitol, and to improve the capitol grounds.

To regulate the enclosure of live Stock in Alabama.

Which bills were severally read and ordered to a second reading.

By Mr. Farden—

To empower the Governor to order elections ;

Which bill was read twice forthwith and referred to the Judiciary Committee.

By Mr. Coon—

To re-organize the municipal government of the city of Mobile.

Mr. Bromberg moved to indefinitely postpone the bill,

Which motion was lost.

Bill was then ordered to a second reading.

Mr. Pennington, from the select committee, reported favorably to the bill,

To confirm special order No. 96, issued from headquarters third military district, dated Atlanta, Ga., August 5, 1867 ;

Which bill was read a third time and passed.

Mr. Wyman, from the Committee on Taxation, reported a substitute for the bill,

To apply the poll tax and one-fifth of the revenue for 1868, to school purposes ;

Which substitute was adopted, read a third time forthwith and passed.

Message from the House.

HOUSE OF REPRESENTATIVES,  
November 19, 1869. }

*Mr. President:*

I am directed to return to the Senate the Senate bill to legalize certain elections.

W. B. CLOUD,  
Clerk.

On motion of Mr. Farden, Senate reconsidered the vote by which it passed the bill to legalize certain elections; said bill was referred to the Judiciary Committee.

#### GENERAL ORDERS.

Bill, for the relief of James H. Gill, of Madison county ;  
Was read a second time and laid on the table.

Bills—For the relief of Geo. W. Osborne and Presley Thorp, of Franklin county.

In relation to working on public roads in Russell county.

To incorporate the Mobile Bay and Fowl River Canal Company.

For the relief of Mariah D. Jackson ;

Were severally read a second time and ordered to a third reading.

Bill, to amend section 17 of an act to establish revenue laws for the State of Alabama,

Was read a second time and referred to the Committee on Taxation.

Bill, to authorize the Southern Life Assurance and Trust Company of Mobile, to cease business, &c.,

Was read a second time and referred to the Committee on Banks and Insurance.

Bills—To establish a criminal court for Macon county.

To amend section 844 of the Revised Code.

To prevent the breaking of baggage.

To authorize Joseph L. Hall, a minor, of Autauga county, to settle with his guardian.

To authorize the county treasurer of Elmore and Autauga counties to pay salaries in lieu of fees to the solicitors of said counties.

To amend an act to amend section 4063 of the Revised Code.

To constitute the clerks of the circuit courts, *ex officio* clerks of the county courts,

Were severally read a second time and referred to the Judiciary Committee.

To establish a public ferry across the Tallapoosa river,

Was read a second time and referred to the Committee on Internal Improvements.

For the relief of John E. Boddie, of Marengo county,

Was read a second time and referred to the Committee on Grievances and Disabilities.

Mr. Coon introduced a joint resolution in relation to the removal of political disabilities,

Which was read twice forthwith and referred to the Committee on Federal Relations.

Mr. Pennington offered a joint resolution,

Which was adopted;

Providing that the two Houses of the General Assembly, on to-morrow, take a recess for an hour after 11 o'clock, and assemble in the hall of the House to receive a class of deaf, dumb and blind from the State Institution.

Mr. Pennington also offered joint resolution,

Providing for a joint committee to prepare and submit to the General Assembly amendments to the State constitution,

Which was also adopted.

Mr. President appointed the following standing committee:

*On Contingent Fund of the Senate*—Messrs. Wise, Miller and Johnson.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
Nov. 19th, 1869. }

*Mr. President:*

The House has adopted the Senate joint resolution in relation to appointing a joint committee to whom shall be referred the special message from the Governor.

Committee on the part of the House:

Messrs. McGee, Dereen, Hubbard, Jennings and Burton.

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
Nov. 19, 1869. }

*Mr. President:*

The House has adopted the Senate joint resolution in re-

lation to taking a recess, and has originated and adopted a joint resolution as herewith transmitted.

W. B. CLOUD,  
Clerk.

Said House joint resolution was read and adopted ;  
And Messrs. Barr, Jones, Yordy and Sevier were appointed the committee on the part of the Senate.

Senate then adjourned till 10 o'clock to morrow-morning.

SATURDAY, November 20th, 1869.

Senate met pursuant to adjournment.

Prayer by the chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Coon, Glass, Johnston, King, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wyman and Yordy—20.

Journal of yesterday was read, corrected and approved.

Mr. Sibley offered a resolution providing for the appointment of a standing committee on roads and public highways ;

Which lies over until Monday next.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Sevier, to prescribe the salary of the clerk in the auditor's office.

By Mr. Sanford, to vest certain lands therein named in the heirs and widow of Issaac L. Ward, deceased, late of Cherokee county.

By Mr. Wise, for the relief of Hugh Montgomery.

By Mr. Stow, to amend an act to re-enact and amend an act to incorporate the Alabama Savings Bank at Montgomery.

By Mr. Wyman, for the relief of W. L. D. Pitts, of Perry county.

By Mr. Barr, to amend an act to incorporate the Deposit Savings Association of Mobile.

By Mr. Sibley, to repeal an act to establish the city court of Huntsville.

By Mr. Farden, for the relief of Abram B. Collins, of Lawrence county;

Which bills were severally read and ordered to a second reading.

Mr. Yordy offered the following, which was adopted:

*Resolved*, That a committee of three be appointed to investigate the action of the commissioner appointed to negotiate with the State Government of Florida for the annexation of a portion of that State to the State of Alabama, with authority to send for persons and papers.

And Messrs. Yordy, Sibley and Sanford were appointed.

On motion of Mr. Worthy, said committee was instructed to report as early as practicable.

Mr. President appointed the following standing committee:

*On Industrial Resources*—Messrs. Barr, Martin and Stow.

Mr. Jones, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill to confirm Special Order, No. 96, issued from Headquarters, 3rd Military District, dated Atlanta, Ga., August 5th, 1867.

Message from the House as follows :

HOUSE OF REPRESENTATIVES, }  
November 20th, 1869. }

*Mr. President:*

I am directed by the House to inform the Senate, that the House is now ready to receive the Senate in joint assembly, in accordance with the joint resolution adopted yesterday, in relation to receiving the classes of deaf, dumb and blind.

W. B. CLOUD,  
Clerk.

The Senate then proceeded to the hall of the House of Representatives, when the two houses went into joint convention to witness the examination of the classes of deaf, dumb and blind.

After said convention adjourned,

Senate returned to its chamber.

Mr. Farden offered a joint resolution providing for the appointment of a joint committee, under certain sections of the Code, to examine the offices of the auditor, state treasurer and superintendent of public instruction.

Messrs. Farden, Wise and Richards were appointed the committee on the part of the Senate.

Senate then adjourned till 10 o'clock, Monday morning.

---

MONDAY, Nov. 22, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Wyman and Yordy—25.

Journal of Saturday was read and approved.

Resolution for the appointment of a standing committee on roads and public highways was taken up and adopted.

Messrs. Whitney, Martin, Johnston, Glass and Morton were appointed said committee.

On motion of Mr. Coon, the bill to establish a public ferry across the Tallapoosa river, heretofore referred to the committee on internal improvements, was referred to the committee on roads and public highways.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills and resolutions were introduced :

By Mr. Whitney, to provide for the removal of the county seat of Marengo county, from Demopolis to Linden, in said county.

By Mr. Sanford, to amend section 11 of an act to establish revenue laws for the state of Alabama, approved December 31, 1868.

By Mr. Lambert, (with petition), for the relief of Samuel Logan and family, of Coosa county.

By Mr. Stow, to permit John Egger, of the city of Montgomery, to exercise certain privileges.

By Mr. Farden, declaring certain offices vacant.

By Mr. Farden, to declare the wharf at Montgomery free.



By Mr. Farden, to amend an act to empower the Governor to appoint notaries public, approved August 11, 1868.

By Mr. Pennington, for the relief of John S. Oswalt, of Macon county.

By Mr. Worthy, for the relief of Archibald McIntyre.

By Mr. Wyman, to amend section 2,363 of the Revised Code.

By Mr. Wyman, to create a new county, out of portions of Dallas, Marengo, Perry and Wilcox counties, to be called the county of Chillatchie ;

Which bills were severally read and ordered to a second reading.

Mr. Miller offered a joint resolution providing for the appointment of a joint committee to investigate and report upon the conduct and management of the Mobile and Montgomery, and Montgomery and West Point railroads ;

Which was adopted.

And Messrs. Miller and Richards were appointed said committee on the part of the Senate.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Yordy, from the committee on enrolled bills, reported as correctly enrolled,

Joint resolution relating to the joint resolution of the Congress of the United States, proposing an Amendment to the Constitution of the United States, known as article fifteen.

Mr. Richards, from the committee on education, reported a substitute for the bill to authorize county superintendents of education to use grand jury rooms ;

Which substitute was adopted.

On motion of Mr. Worthy, the bill was amended as follows :

*Provided*, Such rooms are under the control of the county.

Mr. Mabry moved to amend, as follows :

Strike out the words "grand jury rooms" ;

Which motion was lost ;

And the bill was ordered to a third reading.

Message from the Governor :

EXECUTIVE DEPARTMENT, }  
November 22d, 1869. }

*Gentlemen of the Senate  
and House of Representatives :*

I send herewith reports from the officers of the Insane Hospital, at Tuscaloosa, and the institution for the Deaf and Dumb and Blind, and the Freedman's Hospital at Talladega. These reports were not received at this Department in time to be transmitted with my regular message.

I am satisfied that the institutions from which these reports emanate are faithfully and efficiently managed. The reports contain full and minute information as to the manner in which they are conducted, and the beneficial results accomplished by them. They also contain various suggestions and recommendations, to which your attention is respectfully invited.

WILLIAM H. SMITH.

Which message was read.

Mr. Farden moved to lay on the table and print 500 copies ;

Mr. Sibley moved to amend, by printing 1,000 copies ;

Mr. Oliver moved to print 300 copies ;

Which motion was finally carried.

Mr. Coon, before 11 o'clock, gave notice that he would move to reconsider the vote by which the Senate adopted joint resolution for a joint committee to prepare and submit to the General Assen.bly amendments to the State Constitution.

Mr. Wyman, from the Committee on Taxation, reported adversely to memorial of the Southern Express Company ;

Which report was not concurred in ;

On motion of Mr. Stow, said memorial was recommitted to a select committee, and Messrs. Stow, Farden, Worthy, McAfee and Wyman, were appointed said committee.

Mr. Farden offered the following resolution,

Which was adopted :

RESOLUTION ASKING FOR REPORT OF COOSA RIVER SURVEY.

*Resolved,* That the Governor be, and he is hereby respectfully requested to communicate to the Senate any information he may possess in relation to the survey of the Coosa river, so ordered by him last year.

Mr. Farden also offered joint resolution for the appointment of a committee in relation to female convicts ;

Which was adopted ;

And Messrs. Farden, Yordy and McAfee, were appointed.

Mr. Farden offered a resolution, providing for a committee to examine into the charter of the Tuskaloosa Scientific and Art Association, and all other lotteries of this State ;

Which was adopted ;

And Messrs. Farden and Yordy were appointed.

Message from the Governor :

EXECUTIVE DEPARTMENT,  
November 22d, 1869. }

*Gentlemen of the Senate  
and House of Representatives :*

Intelligence has just reached this department that ex Governor Fitzpatrick died on yesterday, at his residence in Elmore county. The name and character of Governor Fitzpatrick are prominently identified with the history of Alabama. He has held many positions of trust and responsibility, and enjoys in an unusual degree, the confidence and esteem of his fellow-citizens. In view of the public services which he has rendered the State, and his high character as a citizen, I deem it proper to communicate, in this form, the sad intelligence of his death, and hope that appropriate action may be taken in respect for his memory.

WILLIAM H. SMITH.

Which message was read.

On motion of Mr. Worthy—

The message of the Governor was referred to a select committee of three ;

And Messrs. Worthy, Sanford and Jones, were appointed said committee, with leave to retire from the Senate chamber for a few moments.

#### GENERAL ORDERS.

Bill for the relief of Mariah D. Jackson ;

Was laid on the table for the present.

Bills, for the relief of Geo. W. Osborn and Presley Thorp, of Franklin county ;

To apply the poll tax and one-fifth of the revenue for 1868, for school purposes ;

Was severally read a second time and referred to the Judiciary Committee.

Bill in relation to working public roads in Russell county ;

Was read a second time and referred to the Committee on Roads and Public Highways.

Bill to incorporate the Mobile Bay and Fowl River Canal Company ;

Was read a second time and referred to the Committee on Internal Improvements.

EXECUTIVE DEPARTMENT, }  
November 20th, 1869. }

*Gentlemen of the Senate  
and House of Representatives :*

I transmit herewith for your information, copies of communications from Charles T. Pollard and Samuel G. Reid, extending invitations to the State officers and members of the General Assembly, to attend the State Fair.

WILLIAM H. SMITH.

ROOMS ALABAMA STATE AGRICULTURAL SOCIETY, }  
Montgomery, Nov. 20, 1869. }

His Excellency WM. H. SMITH,  
*Governor of Alabama :*

SIR: I have been instructed by a unanimous vote of the Executive Committee of the Alabama State Agricultural Society, to invite the officers and members of the "General Assembly," to attend the eighth annual Fair, to begin near this city, on Tuesday, the 23d inst., and continue four days.

It affords me pleasure to be able to make you the medium of conveying this invitation to the Senate and House of Representatives.

I have the honor to be,  
Yours respectfully,

S. G. REID,  
Secretary.

MONTGOMERY AND WEST POINT RAILROAD, }  
Montgomery, Nov. 22d, 1869. }

His Excellency, WM. H. SMITH,  
*Governor of Alabama :*

SIR: It will afford me great pleasure to have a special train to convey you and the officers of the State, and the offi-

cers and members of the General Assembly, to the Fair Grounds at such hour and upon such day as may be convenient to you ; asking you to communicate this to the Senate and House of Representatives, and to advise me of the day and hour selected.

I have the honor to be,  
Very respectfully,  
CHARLES T. POLLARD,  
President.

Which message was read.

On motion of Mr. Farden, a joint resolution was adopted, providing for a joint committee to make arrangements for attending the Fair.

Messrs. Farden and Pennington were appointed on the part of the Senate.

Bill, to re-organize the municipal government of the city of Mobile ;

Was read a second time and referred to the Committee on Municipal and County Organizations.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
November 22, 1869: }

*Mr. President :*

The House has originated and adopted the following joint resolutions :

For the appointing of a joint committee to inquire into the expediency of purchasing a certain number of copies of condensed Alabama Reports ;

And for the appointment of a joint committee to visit the Deaf and Dumb Asylum.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES,  
November 22, 1869. }

*Mr. President :*

The House has adopted Senate joint resolution for the appointing joint committee, to whom shall be referred the invitations extended to the General Assembly by Charles T. Pollard and S. G. Reid, to visit the State Fair.

Committee on part of the House, Messrs. Hart, Burton and Malone.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Worthy, from the select committee on the Governor's message, conveying intelligence of the death of ex-Governor Fitzpatrick, reported preamble and resolutions as follows :

WHEREAS, His Excellency William H. Smith, Governor of Alabama, has this day made known by special message to this Legislature, the sad intelligence of the death of ex-Gov. Benjamin Fitzpatrick, who departed this life on yesterday, the 21st day of November, 1869 ;

And whereas, Ex-Gov. Fitzpatrick has been for almost a half century intimately connected with the history and prosperity of the State of Alabama—having filled with fidelity, and credit to himself and satisfaction to the people, the very highest offices within their gift ;

And whereas, This Legislature deems it to be their duty and privilege to pay proper and decent respect to our honored dead ; therefore

*Resolved*, That the Legislature of the State of Alabama, in consideration of the death of ex-Gov. Fitzpatrick, do now adjourn until 10 o'clock on Wednesday morning.

*Resolved*, That we will, as a body, attend the funeral, and follow to the grave as mourners, the last remains of this once distinguished Alabamian.

*Resolved*, That the President's and Speaker's stands be draped in mourning thirty days, and members of the Legislature wear the usual badge for that time.

*Resolved*, That the flag on the dome of the Capitol be displayed at half-mast.

A. N. WORTHY,  
H. C. SANFORD,  
WM. B. JONES,  
Committee.

Which were adopted unanimously by a rising vote.  
Senate then adjourned till 10 o'clock Wednesday morning.

---

WEDNESDAY, November 24, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Buckley, Farden, Foster, Glass, Johnston, Jones, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Wise, Worthy and Yordy—21.

Journal of Monday read, corrected and approved.

Leave of absence was granted to Mr. Whitney on account of sickness.

Mr. Sevier offered a joint resolution, providing that when the two Houses adjourn, that they adjourn till 10 o'clock Friday morning ;

Which was adopted.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
November 24, 1869. }

*Mr. President :*

The House has concurred in Senate joint resolution, providing for adjournment till 10 o'clock Friday morning.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock Friday morning.

FRIDAY, Nov. 26, 1869.

Senate met pursuant to adjournment,  
Prayer by the Rev. Mr. Lambert, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Bromberg, Buckley, Foster, Glass, Johnston, King, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Wise, Worthy, Wyman and Yordy—23.

Journal of Wednesday was read and approved.

Senator Whitney was excused on account of illness.

Leave of absence was granted to Mr. Buckley.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced:

By Mr. Sibley, to secure complete records in the courts of this State.

By Mr. Wise, to amend section 59 of the Revised Code;

For the relief of Sol. E. Jordan, sheriff of Randolph county.

By Mr. Lambert, to repeal articles 18 and 19 of section 112 of the revenue laws.

By Mr. Bromberg, to incorporate the grand conclave of the order of Seven Wise men for the State of Alabama.

By Mr. Richards, to provide for the payment of officers' fees in certain cases.

By Mr. Miller, for the relief of E. C. Milner, tax collector, of Butler county.

By Mr. Farden, to amend section 1061 of the Revised Code.

By Mr. Stow, to amend the charter of the Dexter Fire Engine Company, No. 1, of the city of Montgomery.

By Mr. McAfee, to amend an act to establish an institution for the deaf, dumb and blind;

To relieve Martha D. Moseley from the disabilities of marriage with Andrew B. S. Moseley;

To authorize the Governor of the State of Alabama, to grant and cause letters patent for lots 1, 6, 7 and 8, &c.

By Mr. Foster, to annex the county of Sanford to the 3rd



Judicial Circuit, and to fix the times to hold the Circuit Courts in certain counties in said Judicial Circuit ;

Which bills were severally read, and ordered to a second reading.

Mr. Barr offered a resolution, in relation to the exercise of the pardoning power by the Governor ;

Which was adopted.

And Messrs. Barr, Oliver and Yordy were appointed said committee to request the desired information from the Governor.

Mr. Bromberg offered the following resolution ;

Which was adopted.

*Resolved*, That there be a committee of three appointed by the President, as committee on the State library ;

And Messrs. Bromberg, Sevier and Sanford were appointed said committee.

Mr. Sibley offered the following resolution ;

Which was adopted.

*Resolved*, That a select committee of two be appointed to visit and examine so much of the Selma, Marion and Memphis Railroad as has now been completed, and for which the State's endorsement to the amount of \$16,000 per mile has been granted, and to report upon the manner and date of its construction ;

And Messrs. Sibley and Lambert were appointed said committee.

House Joint Resolution, for the appointment of a Joint Committee to visit the Deaf and Dumb Asylum at Talladega ;

Was read and referred to the Committee on Public Buildings and Institutions.

Bill, for the relief of Mariah D. Jackson, was taken from the table and referred to the Judiciary Committee.

Mr. Coon offered the following new rule ;

Which lies over one day.

It shall be the duty of the secretary of the Senate to furnish each member of the Senate with a printed copy of all important bills and resolutions so soon as they shall have been read a second time, and ordered to be engrossed for a third reading.

## GENERAL ORDERS.

Bills, to prohibit the sale of spirituous liquors within one mile of Beulah church, in the county of Lee :

To give the Probate Court of Montgomery county jurisdiction of the estate of James C. Ray, deceased, late of Macon county ;

For the relief of Archibald McIntyre ;

To vest certain lands in the heirs and widow of Isaac L. Ward, deceased, late of Cherokee county ;

For the relief of Hugh Montgomery ;

To relieve the Chancellor of the Northern Chancery Division of the necessity or obligation of holding two terms annually, of the Chancery Court in Franklin and DeKalb counties ;

For the relief of W. C. Thorn, of Franklin county ;

To fix the times of holding the circuit courts in the 11th judicial circuit.

To authorize the administrators of the estate of G. Breitling, deceased, to compromise debts due said estate ;

For the relief of W. L. D. Pitts, a minor of Perry county ;

For the relief of John W. Oswalt, of Macon county ;

For the relief of Robert A. Ross and James F. Hartsfield ;

For the relief of Samuel Logan and family, of Coosa county ;

Were severally read a second time and ordered to a third reading.

Bills, to furnish the officers of public instruction a room in the Court House, for the transaction of their official business ;

To provide for the removal of of the county seat of Marengo county from Demopolis to Linden, in said county ;

Were severally read a third time and passed ;

Bills, to regulate common carriers ;

For the relief of C. M. Beasley, of Bullock county ;

To define the duties of Chancery Judges ;

To define paragraph 4 of section 4340 of the Revised Code.

Were severally read a second time and referred to the Judiciary Committee.

For the relief of indigent defendants in criminal cases ;

To amend section 3733 of the Revised Code ;

To repeal an act to establish a City Court at Huntsville ;  
 To declare the effect of certain decrees of chancery ;  
 To amend section 2263 of the Revised Code ;  
 Bills, for the relief of Bryant H. McCulloch ;  
 For the relief of John S. Baugh ;

Were severally read a second time and referred to the committee on grievances and disabilities.

Bills, to remove the county seat of Greene county from Eutaw to Fair View, in said county ;

To repeal an act therein named ;

To protect planters and farmers, of Greene county, from depredation of stock ;

Were severally read a second time, and referred to the committee on municipal and county organizations.

Bill, for the relief of the poor in Marengo county ;

Joint resolution for a committee, to visit the State prison, the deaf, dumb and blind institution, and the insane asylum ;

Were severally read a second time and referred to the committee on poor laws and charitable institutions.

Bill, to repeal a certain act, so far as Franklin county is concerned, &c. ;

Was read a second time and referred to the committee on printing.

Bill, to create a new county, out of portions of Dallas, Perry, Marengo and Wilcox counties, to be called the county of Chillatchie ;

Was read a second time and referred to a select committee, composed of Messrs. Wyman, Richards, Coon, Jones and Sanford.

Bill, to permit John Egger, of the city of Montgomery, to exercise certain privileges ;

Was read a second time and referred to the committee on privileges and elections.

Bills, to amend an act to re-enact and amend an act, to incorporate the Alabama Savings Bank at Montgomery ;

To amend paragraph 2, section 12, of the revenue laws of Alabama ;

To amend an act to incorporate the Deposit Savings Association of Mobile ;

Were severally read a second time and referred to the committee on banks and insurance.

Bills, prescribing the salary of the clerk in the auditor's office ;

To determine the salary of the judge of the 6th judicial circuit ;

Were severally read a second time and referred to the committee on fees and salaries.

Bill, to amend section 11 of an act to establish revenue laws for the State of Alabama, approved December 31st, 1868 ;

Was read a second time and referred to the committee on taxation.

Bill, to amend section 1 of an act, to appoint counsel in certain cases, approved December 30th, 1868 ;

Were read a second time and referred to the Judiciary committee, with instructions to report a general bill.

On motion of Mr. Coon, two more members were added to the committee on printing ;

And Messrs. Coon and Wise were appointed.

Mr. Coon introduced the following memorial ;

Which was read, ordered to be spread on the Journal of the Senate, and referred to the committee on municipal and county organization :

*Memorial to the General Assembly of the State of Alabama :*

Your memorialists, a committee duly authorized by the colored Republicans of the city of Mobile, respectfully present to your honorable bodies that, whereas, it was the intent and purpose of the General Assembly of the State, in passing the act entitled "an act to re-organize the municipal government of the city of Mobile, approved Dec. 21st, 1868," to establish a Republican administration of the city ;

And whereas, said act has failed to meet that end, in so far, that the Mayor elected under the provisions of said act as a Republican has proved recreant to his trust and basely violated the written pledges made to the Convention by which he was elevated. He has, also, from the beginning of his term of office used his official influence to the great detriment of the party that placed him in power. He has given the official patronage of the city into the hands of the opposite party. He has never, in time of public danger consequent on political excitement, called upon a single Republican to assist in preserving the peace, but has called upon organizations for that purpose known to be particularly hostile and inimical to the colored element of the community. His police force, which is notoriously composed in the main of our most bitter enemies, have, with and by his connivance and instruction, thrown every impediment and stumbling block in our way. A fair election has never been held in the city of Mobile

since his accession to the mayoralty. He is known to use partiality in his decisions as a judicial officer, discriminating between the white and colored races, to the great detriment of the latter. Your memorialists would call attention to the fact that under the act already cited no provision is made for a new election. The colored people of Mobile are the sufferers, and will be to a greater extent if something is not done for their relief in that quarter.

In view of these, and other facts, your memorialists would respectfully ask and petition that the act spoken of be either amended or repealed, so as to provide for a new appointment of city officers. They feel that in asking Legislative action in this matter they are but carrying out the wish of nineteen-twentieths of the colored Republicans of the city, and that justice will not be done them until the present administration is ousted and a new one installed in its place. For which, as in duty bound, they will ever pray.

PHILIP JOSEPH,  
JAS. BRAGG,  
ROBERT D. WIGGINS,  
C. FERNANDEZ,  
DURHAM DAVIS,  
N. H. MITCHELL,  
Maj. W. LANKFORD,  
C. PEREZ,  
Committee.

On motion of Mr. Bromberg, the committee on rules and regulations was instructed to revise the rules of the Senate for publication.

Mr. Coon offered the following resolution ;  
Which was adopted.

*Resolved*, That the Secretary of State be requested to inform the Senate in writing of the number and title of office, to which men have been appointed and commissioned by His Excellency, the Governor, since entering upon the discharge of his gubernatorial duties.

Mr. Richards, from the committee on education, reported a substitute for the bill;

To provide for common schools in the State of Alabama ;

Which was laid on the table, and 30 copies ordered to be printed.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
Nov. 26, 1869. }

*Mr. President:*

The House has originated and passed a joint resolution authorizing the purchase of 200 copies of each volume of Smith's Condensed Alabama Reports, for the use of the State.

W. B. CLOUD,  
Clerk.

Said House joint resolution was read.

On motion of Mr. Barr, it was so amended as to read "auditor" instead of comptroller ;

And was then ordered to a second reading.

Mr. Whitney moved to adjourn till 10 o'clock, Monday morning ;

Which motion was lost—Yeas 11, Nays 13.

Those who voted in the affirmative are—

Messrs. Bromberg, Farden, McAfee, Mabry, Martin, Miller, Morton, Royal, Sevier, Wise and Whitney—11.

Those who voted in the negative are—

Messrs. Barr, King, Lambert, Lentz, Mahan, Oliver, Richards, Sanford, Sibley, Stow, Worthy, Wyman and Yordy—13.

Senate then adjourned till 10 o'clock to-morrow morning.

SATURDAY, November 27th, 1869.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Foster, Glass, Johnston, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—24.

Journal of yesterday was read and approved.

On motion of Mr. Barr, Hon. James R. Hubbell, ex-member of Congress from Ohio, was invited to the stand of the President, and Mr. Hubbell returned thanks for the courtesy in a few remarks.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
November 27th, 1869. }

*Mr. President:*

The House has adopted Senate Joint Resolution to appoint a joint committee, whose duty it shall be to examine into the conduct and management of the Mobile and Montgomery, and Montgomery and West Point Railroads, and report by bill or otherwise.

Committee on the part of House: Messrs. Strobach, Hardy and Proskauer.

W. B. CLOUD,  
Clerk.

Message from the Governor as follows:

*Mr. President:*

I am directed by the Governor to inform the Senate, that he has approved and signed a "Joint Resolution relating to the Joint Resolution of the Congress of the United States, proposing an amendment to the Constitution of the United States, known as Article Fifteen."

I am also directed to communicate to the Senate a message from the Governor, in writing.

Very respectfully,

Your obedient servant,

D. L. DALTON,  
Secretary.

EXECUTIVE DEPARTMENT, }  
November 27, 1869. }

*To the Senate:*

On the 22nd inst. I received an authenticated copy of your resolution, adopted on that day, requesting the Governor to communicate such information as may be in his possession, relative to the survey of the Coosa river.

Under the act passed at your last session, providing for a further survey of the Coosa river, and the land adjacent there-

to, I appointed Mr. Thomas Pearsall of this city, as commissioner to make the survey. Although no regular report has been made by the commissioner; yet it is known to this department, that he has devoted much time and labor to the business of his commission.

Upon the receipt of your resolution I caused a copy of it to be furnished to Mr. Pearsall, with a request, that he submit such information as would enable this department to make a suitable reply to the Senate. I have just received a brief communication from that gentleman, upon the subject of your resolution, a copy of which is herewith transmitted. It will be seen, that an official report from the commissioner may be expected at an early day. As soon as the report is received, it will be duly laid before the General Assembly.

WILLIAM H. SMITH.

MONTGOMERY, }  
November 24, 1869. }

His Excellency, WM. H. SMITH,  
*Governor of Alabama:*

SIR: I have the honor to acknowledge the receipt, through the Executive Department, of a copy of a Senate resolution, requesting you to furnish such information as may be in your possession, in regard to a survey of the Coosa river.

In response to your request for information upon the subject, I have to state that the survey, indicated in the Senate resolution, will be completed early in the coming week, and that my report relative to the same, will be submitted at an early day thereafter to the Senate and House of Representatives.

Very respectfully,  
THOMAS PEARSALL,  
Commissioner, &c.

On motion of Mr. Worthy, the portion of the Governor's message relating to the penitentiary, was referred to the committee on public buildings and institutions.

The Governor's message was then taken up, and the several portions referred to appropriate committees.

On motion of Mr. Sibley, the Senate reconsidered the vote adopting resolution, offered by himself a few days ago, pro-



viding for the appointment of a committee to examine into the Selma, Marion and Memphis Railroad.

Mr. Sibley then offered the following in lieu of it :

Which was adopted,

And Messrs. Sibley and King were appointed committee.

*Resolved*, That so much of the Governor's message as relates to the "Selma, Marion and Memphis Railroad," be referred to a select committee of two, with instructions to visit said road and examine the same with reference to the manner and date of its construction, and said committee shall have power to send for persons and papers, and to examine witnesses on oath, with reference to said road.

Mr. President stated, that information had reached him, that one of the officers elected by the Senate, instead of doing his own work, had employed another person to do it.

On motion of Mr. Worthy, a select committee of two was appointed to look into the matter alluded to by Mr. President ;

And Messrs. Jones and Yordy were appointed said committee.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier, to repeal a proviso of section 3 of an act to adopt the law in relation to the incorporation of the city of Tusculumbia, approved December 23, 1868 ;

By Mr. Whitney, to incorporate the Atlantic Express Company ;

By Mr. Sanford, to authorize Catharine Q. Hughes, Isaac P. Moragne and John H. Wisdom, to establish a ferry across the Coosa river, at the town of Gadsden, in the county of Cherokee.

By Mr. Mabry, to incorporate the Phoenix Fire Company, No. 2, of Eufaula, Alabama ;

By Mr. Farden, to allow Wash G. Cain, administrator, to sell real estate ;

By Mr. King, (with petition), to create a new chancery district out of the counties of Dale and Henry ;

Which bills were severally read and ordered to a second reading.

By Mr. Morton, to authorize the election of marshal of the city of Tuskalooosa ;

By Mr. Lambert, for the poor of Coosa county ;

Which bills were read three times forthwith and passed.

By Mr. McAfee, to establish a new charter for the city of Talladega, and to repeal certain acts and all laws conflicting therewith ;

Which bill was read twice forthwith and referred to a select committee, composed of Messrs. McAfee, Worthy and Miller.

By Mr. Barr, to authorize a State engineer and to prescribe his duties ;

To authorize a commissioner of railroads and telegraphs, and to prescribe his duties ;

Which bills were severally read twice forthwith, laid on the table, and 150 copies of each ordered to be printed.

Mr. Lambert appealed from the decision of the chair (Mr. Barr in the chair), which had decided, that the rule of the Senate did not prohibit the reading and reference of bills of a public nature on Saturday, or ordering them to a second or third reading,

And the decision of the chair was sustained.

House joint resolution, authorizing the purchase for the use of the State of 200 copies of each volume of Smith's condensed Alabama reports ;

Was read a second time and ordered to a third reading.

#### GENERAL ORDERS.

Bill, for the relief of Abram B. Collins, of Lawrence county ;

Was read a second time and referred to the committee on grievances and disabilities.

Bill, to annex the county of Sanford to the 3rd Judicial Circuit, and to fix the times of holding the courts in certain counties of said circuit ;

To relieve Martha D. Moseley from the disabilities of marriage with Andrew B. S. Moseley ;

Were severally read a second time and ordered to a third reading.

Bills, for the relief of E. C. Milner, tax collector of Butler county ;

For the relief of Sol. E. Jordan, sheriff of Randolph county ;

Were severally read a second time and referred to the committee on finance.

Bill, to amend the charter of Dexter Fire Engine Company, No. 1, of Montgomery;

Was read a second time and referred to the judiciary committee.

Mr. Worthy offered the following resolution;

Which lies over one day.

*Resolved*, That the rule of the Senate, which prohibits the consideration on Saturday, of bills of a public nature, is hereby rescinded.

Mr. Jones, as chairman of the committee on engrossed bills, moved that the Secretary of the Senate be authorized to appoint a clerk for said committee.

Mr. Yordy moved to amend, so as to include a clerk for the committee on enrolled bills;

The whole subject was finally postponed indefinitely.

Senate then adjourned till 10 o'clock Monday morning.

MONDAY, November 29, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Richards of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Glass, Johnston, King, Lambert, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney and Yordy—22.

Journal of Saturday was read and approved.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced:

By Mr. Sibley, to amend section 2136 of the Revised Code;

To amend section 2161 of the Revised Code;

By Mr. McAfee, to amend the 1st and 16th sections of an act entitled "An act to incorporate the Selma Fire and Marine Insurance Company, approved December 11, 1866, so as to change the name of said company;"

By Mr. Pennington, for the relief William D. Dawkins ;  
For the relief of Geo. W. Henderson ;

By Mr. Martin, to repeal section 3555 of the Revised Code ;

By Mr. Farden, to define commissions on sales by registers in chancery ;

By Mr. Wyman, to define who are retailers, and who are wholesale dealers in spirituous, vinous or malt liquors ;

To prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;

To prescribe the form of indictment for wholesale dealing in spirituous, vinous or malt liquors ;

By Mr. Jones, for the relief of the estate of Winfield Woolf, deceased ;

By Mr. Bromberg, to regulate agencies of Life Insurance Companies of the other States of the United States, doing business in the State of Alabama ;

By Mr. Barr, (with petition), to form a new county, to be called the county of De Soto ;

By Mr. Worthy, to allow the administrators of the estate of William M. Burgess, deceased, to sell the real estate at private sale ;

Which bills were severally read and ordered to a second reading.

Mr. Lambert offered the following resolution :

*Resolved*, That the Senate abolish the offices of messenger of the Senate, and door-keeper of the Senate gallery ;

On motion of Mr. Whitney, said resolution was laid on the table—Yeas 25, nays 4.

Those who voted in the affirmative are, Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lentz, McAfee, Mabry, Martin, Morton, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—25.

Those who voted in the negative are, Messrs. Lambert, Oliver, Worthy and Wyman—4.

Mr. Bromberg presented a petition from sundry citizens of Mobile ;

Which was referred to the Committee on Municipal and County Organizations.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Sanford, from the committee on municipal and county

organizations, reported favorably, with amendments to the bill, to re-organize the municipal government of the city of Mobile ;

Which amendments were severally read.

Mr. Bromberg moved to amend the first amendment by striking out the word "commission," in the proviso to the 4th section, and inserting the words "boards of aldermen and common council in convention" ;

Which motion was lost ;

And the first amendment was adopted.

Mr. Bromberg moved to amend the second amendment by striking out the words "or a majority thereof" in the proviso to the 7th section ;

Which motion was lost ;

And the second amendment was then adopted.

The third amendment was then adopted— Yeas 28, nays 2.

Those who voted in the affirmative are, Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Wyman and Yordy—28.

Those who voted in the negative are, Messrs. Bromberg and Worthy—2.

Mr. Bromberg offered a substitute for the bill ;

Mr. Worthy moved to recommit the bill and substitute ;

Mr. Jones moved to lay said motion on the table ;

Which motion was lost ;

On motion of Mr. Pennington, 150 copies each, of the bill and substitute were ordered to be printed, and both referred to the Committee on Municipal and County Organizations.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
November 29, 1869. }

*Mr. President :*

The House has originated and passed the following bills :

A bill to amend section 2127 of the Revised Code of Alabama ;

A bill to fix the time of continuance of circuit court of Coosa county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
November 29, 1869. }

*Mr. President :*

The House has originated and adopted a joint resolution, herewith transmitted, and appointed as committee on the part of the House, Messrs. Steward, Jennings, and Reeves.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
November 29, 1869. }

*Mr. President :*

I am directed by the House to inform the Senate of its having originated and adopted joint resolution as herewith transmitted ; and having appointed on the part of the House, Taylor of Winston, T. W. Armstrong, R. E. Harris.

HOUSE OF REPRESENTATIVES, }  
November 29, 1869. }

*Mr. President :*

The House has originated and passed the following bills :

A bill to be entitled an act to regulate the time of holding the chancery court for the fourth district of the northern division ;

Also, a bill to be entitled an act for the relief of delinquent tax payers.

Respectfully,

W. B. CLOUD,  
Clerk.

House bill, for the relief of delinquent tax payers ;

Which was read twice forthwith and referred to the Committee on Taxation.

Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY, November 30, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Wyman and Yordy—28.

Journal of yesterday was read and approved.

#### HOUSE JOINT RESOLUTION

For the appointment of a joint committee to visit and examine the Selma, Marion and Memphis railroad, as to endorsement by the State of the bonds of said road ;

Was taken up and concurred in ;

And Messrs. Sibley and King were appointed as the committee on the part of the Senate.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Lentz, to authorize the court of county commissioners of Limestone county to allow a salary to the solicitor of said county ;

To amend section 3706 of the Revised Code ;

To amend section 2707 of the Revised Code ;

To repeal section 4343 of the Revised Code ;

By Mr. Wise, to authorize Julia Kington of Cleburne county, to sell certain lands ;

By Mr. Lambert, to further the improvement of the navigation of the Coosa river ;

By Mr. Royal, for the relief of Fred Riley and Jane Kelly, of Barbour county ;

By Mr. Yordy, to amend paragraph 9, section 3 of an act entitled an act to establish revenue laws for the State of Alabama ;

By Mr. Foster, to constitute Clementine C. Constantine of Greene county, a free dealer ;

By Mr. Bromberg, to carry into effect in Alabama, the provisions of the 7th clause of Consular Convention between the United States of America and His Majesty the Emperor of the French, concluded on the 23d February, A. D. 1853 ;

By Mr. Richards, for the relief of laborers and employees ;

Which bills was severally read and ordered to a second reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Farden, from the Committee on Printing, submitted a communication from Messrs. John G. Stokes, & Co., State Printers ;

Which report was received.

Mr. Wyman, from the Committee on Taxation, reported adversely to the bill, to amend section 17 of the revenue laws of the State of Alabama ;

Which report was concurred in.

Also, from the same committee, reported adversely to the House bill,

Which report was not concurred in—Yeas 3, nays 25.

Those who voted in the affirmative are, Messrs. Martin, Royal and Sanford—3.

Those who voted in the negative are, Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Miller, Oliver, Pennington, Richards, Sevier, Sibley, Stow, Wise, Worthy, Wyman and Yordy—25.

Said bill was then read a third time forthwith and passed.

Mr. Sevier, from the committee on fees and salaries, reported favorably to the bill ;

To determine the salary of the judge of the 6th judicial circuit ;

Which report was received.

Mr. Worthy moved to amend by extending the provisions of the bill to the judge of the 8th judicial circuit ;

Which amendment was lost.

Mr. Yordy moved to amend as follows :

*Provided*, That this act shall apply to all the judicial circuits in this State ;

Mr. Worthy moved to lay the bill and amendment on the table.



Mr. Barr asked for a division of the question in order to lay the amendment on the table ;

Which motion was carried, and the amendment was laid on the table;

And the Senate refused to lay the bill on the table ;

Senate, also, refused to concur in the report—Yeas 13 ; nays 14 .

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Foster, Glass, Lentz. Martin, Miller, Morton, Pennington, Sevier, Sibley and Whitney—13.

Those who voted in the negative are—

Messrs. Johnston, King, Lambert, McAfee, Mabry, Mahan, Oliver, Richards, Royal, Sanford, Stow, Worthy, Wyman and Yordy—14.

Mr. McAfee, from the judiciary committee, reported adversely to the following bills :

To empower the Governor to order elections ;

To establish a criminal court for Macon county ;

To apply the poll tax and one-fifth of the revenue for 1868 to school purposes ;

To amend section 3733 of the Revised Code ;

To amend section 1 of an act entitled "An act to appoint counsel in certain cases," approved Dec. 30, 1868 ;

Which reports were severally concurred in.

Also, from the same committee ;

Reported favorably to bills.

To amend section 844 of the Revised Code ;

To repeal an act to establish the city court of Huntsville ;

Which bill was ordered to a third reading.

Also, from the same committee ;

Reported favorably to the bill.

For the relief of Mariah D. Jackson, of Pike county ;

On motion of Mr. Oliver, the bill was amended by additional section, as follows :

SEC. 2. *Be it further enacted*, That the provisions of this act shall apply to all persons in this State where one of the parties has been divorced by law.

Mr. Worthy moved to reconsider the vote by which said amendment was adopted, and the vote was reconsidered—Yeas 16 ; Nays 7.

Those who voted in the affirmative are—

Messrs. Barr, Johnston, King, Lambert, McAfee, Mabry,

Martin, Miller, Pennington, Richards, Sanford, Sevier, Sibley, Worthy, Wyman and Yordy—16.

Those who voted in the negative are—

Messrs. Bromberg, Farden, Mahan, Oliver, Royal, Wise and Whitney—7.

On motion of Mr. Pennington, Mr. Oliver's amendment was laid on the table.

Bill was then ordered to a third reading.

Mr. Jones, from the select committee, reported that they had ascertained that the enrolling secretary had sometimes employed assistance, but whether that was culpable, was for the Senate to determine ;

Which report was received and the committee discharged.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
November 30th, 1869. }

*Mr. President :*

I am directed by the House to inform the Senate of its having originated and passed a bill of the following title :

To define section 113 of the revenue laws of Alabama.

Very respectfully,

Your obedient servant,

W. B. CLOUD,  
Clerk.

House bill, to define section 113 of the revenue laws of Alabama ;

Was taken up, read three times forthwith and passed.

House joint resolution, authorizing the purchase for the use of the State, of 200 copies of each volume of Smith's condensed Alabama reports ;

Was read a third time and passed.

Senate then adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, December 1, 1869.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Hill of Mississippi.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—27.

Journal of yesterday was read and approved.

Leave of absence was granted to the Sergeant-at-arms of the Senate.

Leave of absence was, also, granted to Messrs. Bromberg and Morton.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 1, 1869. }

*Mr. President :*

The House has originated and passed bills, entitled as follows :

To ratify, approve and adopt as the law of this State certain acts of the military authorities of the United States ;

To fix the time of holding the courts in the fifth judicial circuit ;

To re-enact and put in force certain laws in relation to the incorporation of the town of Troy ;

To provide for the proper and equitable distribution of stock, in the Mobile and Girard Railroad, among the tax payers of the town of Troy.

To legalize and make valid the acts of the corporate authorities of the town of Troy, in subscribing to the capital stock of the Mobile and Girard Railroad, and issuing bonds for the payment thereof.

Respectfully,

W. B. CLOUD,  
Clerk.

## CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Oliver, to require certain cases of misdemeanor to be returned to the county courts for trial ;

To establish county courts, with civil jurisdiction, in the State of Alabama ;

By Mr. Pennington, to amend an act, approved Feb. 26, 1858, entitled "An act to incorporate the schools of Loachapoka, in Macon county" ;

By Mr. Mabry, to establish the city court of Eufaula ;

By Mr. Farden, to amend section 3932 of the Revised Code ;

To amend the law of appeals ;

For the relief of Henry B. Vincent of Autauga county ;

By Mr. Stow, for the relief of justices of the peace :

By Mr. Yordy, to fix the time of holding courts in the 7th judicial circuit ;

By Mr. Jones, for the relief of John W. Coleman of Greene county ;

By Mr. Worthy, to revive, continue in force and amend an act entitled an act to incorporate the grand and subordinate divisions of the order of the Sons of Temperance of the State of Alabama, approved February 20, 1848 ;

By Mr. King, for the relief of James Bradshaw, a minor, of Dale county ;

For the relief of the heirs and distributees of the estate of Moses Matthews, late of Dale county, Alabama ;

Which bills were severally read and ordered to a second reading.

## REPORTS FROM STANDING COMMITTEES.

Mr. Whitney, from the Committee on Roads and Public Highways, reported adversely to the bill,

To establish a public ferry across the Tallapoosa river ;

Which report was concurred in.

Mr. Stow, from the Committee on Finance, reported favorably to the bill,

To authorize the State treasurer to sell the specie in the State treasury ;

Which report was received

Mr. Foster moved to amend, as follows :

And also sell all the uncurrent money, provided it is sold to the highest bidder, after ten days' notice ;

Mr. Worthy moved to amend said amendment by including all the Confederate money in the State treasury ;

Which amendment was laid on the table ;

Mr. Worthy moved to lay the bill and amendment on the table ;

Which motion was lost ;

And the bill was ordered to a third reading.

Mr. Oliver, from the Committee on Grievances and Disabilities, reported favorably to the bills—

For the relief of John S. Baugh ;

For the relief of Bryant H. McCulloch ;

For the relief of John B. Boddie ;

Which bills were severally ordered to a third reading.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably to the bills—

To remove the county seat of Greene county from Eutaw to Fair View, in said county ;

Which bill was ordered to a third reading.

Mr. McAfee, from the Judiciary Committee, reported favorably to the bills—

To amend section 2302 of the Revised Code ;

To authorize the county treasurers of Elmore and Autauga counties to pay salaries, in lieu of fees, to the solicitors of said counties ;

Declaring the effect of certain decrees in chancery ;

Which bills were severally ordered to a third reading ;

Also, from the same committee, reported adversely to the bill—

To incorporate the Southern States Telegraph Company ;

Which report was concurred in.

Said vote of concurrence was afterwards reconsidered, and the bill recommitted to the same committee.

Reported adversely to the bills—

To constitute clerks of circuit courts *ex-officio* clerks of the county courts ;

For the relief of Geo. W. Osborne and Prestley Tharp, of Franklin county ;

To amend section 2263 of the Revised Code ;

For the relief of C. M. Beasley of Bullock county ;

To define paragraph 4 of section 4340 of the Revised Code ;

To authorize and empower Joseph L. Hall, a minor, to settle with his guardian ;

To legalize certain elections ;

Which reports were severally concurred in.

Also, from the same committee, reported adversely to the bill—

To define the duties of chancery judges in this State ;

Which report was concurred in ;

And the bill was recommitted to the same committee.

Also, from the same committee, reported adversely to the bill—

To regulate common carriers ;

Which bill was laid on the table until to-morrow.

Also, from the same committee, reported adversely to the bill—

For the relief of indigent defendants in criminal cases ;

Which report was concurred in.

Mr. Coon offered the following resolution ;

Which was laid on the table :

*Resolved*, That the secretary be authorized to employ an assistant enrolling clerk.

Mr. Yordy offered the following:

*Resolved*, That the Committee on Registration be requested to enquire what legislation is necessary to perfect the registration laws, and report by bill or otherwise.

Bill, to amend an act to establish an institution for the deaf and dumb ;

Was read a second time and referred to the Committee on Public Buildings and Institutions.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 1, 1869. }

*Mr. President:*

The House has concurred in the amendment of the Senate to the House joint resolution, authorizing the purchase for the use of the State, of 200 copies of each volume of Smith's Condensed Alabama Reports.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock to-morrow morning.

THURSDAY, December 2d, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—27.

Journal of yesterday was read and approved.

Leave of absence was granted to Messrs. Royal and Miller.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier, to establish a general vaccine office in the State of Alabama ;

By Mr. Sibley, to amend sections 106, 107, 109 and 114 of an act approved Dec. 31, 1868, entitled an act to establish revenue laws for the State of Alabama ;

To amend section 2276 of the Revised Code;

By Mr. Sanford, to amend the revenue laws of the State of Alabama, paragraph 9, section 3, approved December 31, 1868 ;

By Mr. Mabry, to amend an act approved February 16, 1867, entitled an act to incorporate the city of Eufaula ;

Which bills were finally read and ordered to a second reading.

Mr. Sanford offered the following, which lies over one day :

*Resolved*, That Tuesdays and Fridays of each week be set apart for the consideration of House bills until disposed of.

REPORTS FROM STANDING COMMITTEES.

Mr. Miller, from the Committee on Banks and Insurances ; reported favorably to the bills—

To authorize the Southern Life Assurance and Trust Company of Mobile, Alabama, to cease business, &c. ;

To amend paragraph 2, section 12 of the revenue laws of Alabama ;

Which bills were finally ordered to a third reading.

Mr. Sevier, from the Committee on Fees and Salaries, reported adversely to the bills—

To permit John Egger, of the city of Montgomery, to exercise certain privileges ;

Which report was concurred in.

Also, from the same committee, reported adversely to the bill, prescribing the salary of the clerk in the Auditor's office ;

Which report was not concurred in—yeas 13, nays 14.

Those who voted in the affirmative are, Messrs. Coon, Johnston, King, Lambert, McAfee, Mabry, Mahan, Oliver, Sanford, Sevier, Worthy, Wyman and Yordy—13.

Those who voted in the negative are, Messrs. Barr, Farden, Glass, Jones, Lentz, Martin, Miller, Pennington, Richards, Royal, Sibley, Stow, Wise and Whitney—14.

Said bill was then committed to the Committee on Finances.

Mr. Barr moved that the Senate go into secret session ;

Which motion was lost—yeas 7, nays 18.

Those who voted in the affirmative are, Messrs. Barr, Farden, Glass, Johnston, Lentz, Richards and Sibley—7.

Those who voted in the negative are, Messrs. Coon, King, Lambert, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Sanford, Sevier, Sibley, Wise, Whitney, Worthy, Wyman and Yordy—18.

Mr. Whitney offered the following, which lies over one day :

*Resolved*, That the reception of report of Standing Committee be limited to one hour each day.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
Dec. 2, 1869. }

*Mr. President:*

The House has originated and passed the following bills :

A bill to amend sections 4206 and 4207 of the Revised Code of Alabama ;

To incorporate the Greensboro' Fire Company, No. 1, of Greensboro', Alabama ;

To authorize G. H. Hewitt, as administrator, and H. E. Hewitt, as administratrix of the estate of C. H. Perkins, deceased, late of Tuscaloosa county, to sell the lands of said



estate, together with the dower interest of said H. E. Hewitt, at private or public sale without an order of court ;

To confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile & Alabama Grand Trunk Railroad.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. McAfee, from the select committee, reported favorably to the bill, to establish a new charter for the city of Talladega, and to repeal certain acts and all laws conflicting therewith ;

Which bill was read a third time forthwith and passed, and ordered forthwith to the House without being engrossed.

#### GENERAL ORDERS.

House bills—To regulate the time of holding the Chancery Court for the 4th district of the northern division ;

To amend section 2127 of the Revised Code ;

To fix the time of continuance of the Circuit Court of Coosa county ;

To ratify, approve and adopt as the law of this State, certain acts of the military authorities of the United States ;

Fixing the time of holding the court in the 5th judicial circuit ;

To re-enact and put in force, certain laws in relation to the incorporation of the town of Troy ;

To legalize and make valid the acts of the constituted authorities of the town of Troy, in subscribing to the capital stock of the Mobile and Girard Railroad, and issuing bonds for the payment thereof.

To provide for the proper and equitable distribution of stock in the Mobile and Girard Railroad among the tax payers of the town of Troy ;

To authorize G. W. Hewitt, as administrator, and H. E. Hewitt, as administratrix of the estate of C. H. Perkins, deceased, late of Tuskaloosa county, to sell the lands of said estate, together with the dower interest of said H. E. Hewitt, at private or public sale, without an order of court ;

To incorporate the Greensboro Fire Company, No. 1, of Greensboro, Alabama.

To amend sections 4206 and 4207 of the Revised Code ;

Were severally read and ordered to a second reading.

House bill, to confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile and Alabama Grand Trunk Railroad ;

Was read twice forthwith and referred to the judiciary committee.

House joint resolution, for the appointment of a joint committee in relation to certain bills of last session ;

Was read once.

Senate bills, for the relief of W. L. D. Pitts, a minor, of Perry county ;

For the relief of W. C. Thorn, of Franklin county ;

For the relief of Samuel Logan and family, of Coosa county ;

For the relief of John W. Oswalt ;

For the relief of Robert A. Ross and James W. Hartsfield ;

To prevent the sale of spirituous liquors within one mile of Beulah church, in Lee county ;

To provide the officers of public instruction a room in the Court House, for the transaction of their official business ;

To give the probate court of Montgomery county jurisdiction of the estate of James C. Ray, deceased, late of Macon county ;

Were severally read a third time and passed.

Senate bill, for the relief of Archibald McIntyre ;

Was read a third time, and,

On motion of Mr. Sanford, laid on the table ;

Senate bill, for the relief of Hugh Montgomery ;

Was read a third time and referred to the Judiciary committee.

Senate bill, to determine the salary of the judge of the 6th judicial circuit ;

Was read a third time and lost—Yeas 11, nays 15.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Johnston, Jones, Mabry, Martin, Miller, Pennington, Sibley and Whitney—11.

Those who voted in the negative are—

Messrs. Glass, King, Lambert, Lentz, McAfee, Mahan, Oliver, Richards, Sanford, Sevier, Stow, Wise, Worthy, Wyman and Yordy—15.

Senate bill, to regulate common carriers ;

Was taken up on its second reading.

Mr. Worthy moved to amend, as follows :

*Provided*, That such common carriers shall be allowed the privilege of providing equally comfortable, separate accom-

modations for the races ; and may not be compelled by this law to force the races to travel in the same carriages together ; *Provided, further,* That it shall be the duty of all conductors of railroads to protect the travelling colored public ;

Pending consideration of which,

Senate adjourned till 10 o'clock to-morrow morning.

---

FRIDAY, December 3, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Mastin, Oliver, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—23.

Journal of yesterday read and approved.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Worthy, to enlarge and extend the jurisdiction of courts of chancery ;

To apply and extend the law of garnishment to causes in chancery.

By Mr. Pennington, to establish a chancery court for the county of Hale.

By Mr. Whitney, to allow the court of county commissioners of Jackson county, to issue bonds, and to authorize the State to endorse the bonds and to make temporary loan unto the county of Jackson ;

Which bills were severally read and ordered to a second reading.

Resolution offered on yesterday by Mr. Sanford, proposing to set apart Tuesday and Friday of each week, for the consideration of House bills ;

Was taken up and lost.

## REPORT FROM STANDING COMMITTEES.

Mr. McAfee, from the Judiciary Committee, reported adversely to the bills,

To amend an act entitled "An act to amend section 4062 of the Revised Code ;"

To prevent the breaking of baggage ;

Which reports were severally concurred in.

Mr. King, from the Committee on Poor Laws and Charitable Institutions, reported adversely to the bill, for the relief of the poor of Marengo county ;

Report and bill were laid on the table.

Also, from the same committee, reported favorably, with amendment, to the joint resolution for the appointment of a joint committee to visit the State prison, deaf, dumb and blind institution, and the insane asylum ;

Which was laid on the table.

Mr. Stow, from the Committee on Finance, reported favorably to the bill, for the relief of E. C. Milner, tax collector of Butler county ;

Which was laid on the table until Monday next ;

Also, from the same committee, reported adversely to the bill, for the relief of Sol. E. Jordan, sheriff of Randolph county.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 3, 1869. }

*Mr. President :*

The House has passed Senate bill, to provide for the removal of the county seat of Marengo county, from Demopolis to Linden.

Respectfully,

W. B. CLOUD,  
Clerk.

## GENERAL ORDERS.

## House Bills—

To regulate the time of holding the chancery courts in the 4th district of the northern division ;

To amend section 2127 of the Revised Code ;

To ratify, approve and adopt as the law of this State, certain acts of the military authorities of the United States ;

Fixing the time of holding the courts in the 5th judicial circuit ;

To re-enact and put in force certain laws in relation to the incorporation of the town of Troy ;

To legalize and make valid the acts of the constituted authorities of the town of Troy, in subscribing to the capital stock of the Mobile and Girard Railroad and issuing bonds for the payment thereof ;

To provide for the proper and equitable distribution of stock in the Mobile and Girard Railroad among the tax-payers of the town of Troy ;

To authorize G. W. Hewitt, as administrator, and H. E. Hewitt, as administratrix of the estate of C. H. Perkins, deceased, late of Tuskaloosa county, to sell the lands of said estate, together with the dower interest of said H. E. Hewitt, at private or public sale, without an order of court ;

To amend sections 4206 and 4207 of the Revised Code ;

Were severally read a second time and referred to the Judiciary Committee.

House bill, to fix the time of continuance of circuit court of Coosa county ;

Was read a second time and ordered to a third reading.

House bill, to incorporate the Greensboro' Fire Company, No. 1, of Greensboro', Alabama ;

Was read a second time and referred to the Committee on Municipal and County Organizations.

House joint resolution, for a joint committee to look after certain bills of last session ;

Was laid on the table.

## Senate bills—

To amend sections 106, 107, 109 and 114 of the Revenue laws.

To repeal articles 18 and 19 of section 112 of the Revenue laws.

To amend paragraph 9, section 3 of the Revenue laws ;

Were severally read a second time and referred to the Committee on Taxation.

Senate bill, to establish a general vaccine office in Alabama ;  
Was read a second time and referred to a select committee.

Senate bills—

To establish the city court of Eufaula ;

To incorporate the Phoenix Fire Company, No. 2, of Eufaula ;

To repeal a proviso of section 3 of an act in relation to the incorporation of Tuscumbia ;

To allow Wash G. Cain, administrator, to sell certain real estate ;

To amend section 59 of the Revised Code ;

To authorize the Governor to grant and cause letters patent to be issued for lots 1, 6, 7 and 8, &c. ;

To amend section 1074 of the Revised Code ;

To constitute Clementine C. Constantine, of Greene county, a free dealer ;

To revive, continue in force and amend an act to incorporate the Grand and Subordinate Divisions of the Order of Sons of Temperance in the State of Alabama, approved February 20, 1848 ;

For the relief of Henry B. Vincent, of Autauga county ;

To amend an act approved February 16, 1867, to incorporate the city of Eufaula ;

Were severally read a second time and ordered to a third reading.

Senate bills—

To repeal section 3555 of the Revised Code ;

To “ “ 2196 of the “ “

To amend “ 817 of the “ “

To “ “ 2136 of the “ “

To “ “ 2161 of the “ “

To “ “ 2276 of the “ “

To “ “ 3706 of the “ “

To “ “ 3707 of the “ “

To “ “ 3932 of the “ “

To “ “ 4343 of the “ “

To fix the time of holding the court in the 7th judicial circuit ;

For the relief of Winfield Woolf, deceased ;

For the relief of George W. Henderson ;

To authorize Julia Knighton, of Cleburne county, to sell certain lands ;

For the relief of Fred Kelly and Jane Kelly, of Barbour county ;

To establish county courts with civil jurisdiction ;

To define who are retailers and who are wholesale dealers in spirituous, vinous or malt liquors ;

To prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;

To prescribe the form of indictment for wholesale dealing in spirituous, vinous or malt liquors ;

To allow the administrators of the estate of William M. Burgess, deceased, to sell the real estate at private sale ;

To define commissions on sales by registers in chancery ;

To authorize Catharine Q. Hughes, Isaac P. Moragne and John H. Wisdom to establish a ferry on the Coosa river, at the town of Gadsden ;

To create a new chancery district out of the counties of Dale and Henry ;

To declare certain offices vacant ;

To amend an act to empower the Governor to appoint notaries public ;

To secure complete records in the courts of this State ;

To authorize the court of county commissioners of LIMESTONE county to allow a salary to the solicitor of said county ;

To require certain cases of misdemeanor to be returned to the county court for trial ;

For the relief of the heirs and distributees of the estate of Moses Matthews, deceased ;

For the relief of justices of the peace ;

To amend the law of appeals ;

For the relief of laborers and employees ;

Were severally read a second time and referred to the Judiciary Committee.

Senate bill, for the relief of William D. Dawkins,

Was read a second and third times and passed.

Senate bills—

To form a new county, to be called DeSoto ;

To declare the wharf at Montgomery free ;

Were severally read a second time and referred to the Municipal and County Organizations.

Senate bill, to amend the 1st and 16th sections of an act to incorporate the Selma Fire and Marine Insurance Company, &c.;

Was read a second time and referred to the Committee on Banks and Insurance.

Senate bills—

To regulate agencies of life insurance companies of other States doing business in the State of Alabama ;

To carry into effect in Alabama the provisions of the 7th clause of the consular convention concluded between the United States and the Emperor of the French, on 23d February, 1853 ;

Were severally read a second time and referred to the Committee on Federal Relations.

Senate bill, to regulate the enclosure of live stock in the State of Alabama ;

Was read a second time and referred to the Committee on Agriculture and Manufactures.

Senate bill, to purchase statuary for the Capitol, and to improve the Capitol grounds ;

Was read a second time and referred to the Committee on Public Buildings and Institutions.

Senate bill, to provide for the payment of officers' fees in certain cases ;

Was read a second time and referred to the Committee on Fees and Salaries.

Senate bill, to incorporate the Grand Conclave of the order of Seven Wise Men, of the State of Alabama ;

Was read a second time and referred to the Committee on Poor Laws and Charitable Institutions.

Senate bills—

To incorporate the Atlantic Express Company ;

To further the improvement of the navigation of the Coosa river ;

To establish the office of State Engineer, and to prescribe his duties ;

To establish the office of commissioner of railroads and telegraph, and to prescribe his duties ;

Were severally read a second time and referred to the Committee on Internal Improvements.

Senate bills—

For the relief of John W. Coleman, of Greene county ;

For the relief of James Bradshaw, a minor, of Dale county ;

Were severally read a second time and referred to the Committee on Grievances and Disabilities.



Senate rescinded the rule which prohibits the consideration of bills of a public nature on Saturday.

Mr. Pennington offered the following resolution :

*Resolved*, That the President of the Senate be authorized to fill, temporarily, any vacancy in any of the offices of the Senate in the absence of any of said officers ; and to appoint such additional officers as may be necessary, in his opinion, to keep order in the Senate Chamber.

On motion of Mr. Oliver, the resolution was amended so as to strike out all as to appointing additional officers to keep order ;

As amended, the resolution was adopted.

Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY, Dec. 4, 1869.

Senate met pursuant to adjournment,

Owing to the illness of the President, the Senate was called to order by the Secretary.

On motion of Mr. King, Mr. Worthy was called to the chair.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—25.

Journal of Saturday was read and approved.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
December 4th, 1869. }

*Mr. President:*

I am directed by the House to inform the Senate, that the House has originated and passed the following bills :

To change the apportioning of hands on roads in Tallapoosa county ;

To repeal an act to establish the Masonic Home, in the county of Chambers, approved October 5, 1868 ;

To authorize executors and administrators of insolvent estates to sell at public outcry all the claims due such estates ;

To amend an act entitled an act to appoint counsel in certain cases.

To authorize the Auditor of Public accounts to issue duplicate warrants ;

To impose the penalty of perjury for falsely, wilfully and maliciously taking the oath of office in this State ;

To relieve disabilities from persons against whom a divorce from the bonds of matrimony has been decreed ;

For the relief of free dealers ;

For the relief of the heirs of Thomas Fry, deceased.

W. B. CLOUD,  
Clerk.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Whitney, to provide tract books for the new counties ;

By Mr. Sanford, to amend section 2348 of the Revised Code ;

Which bills were read, and ordered to a second reading.

By Mr. Pennington, to amend section 447 of the Revised Code ;

Which was read twice forthwith and referred to the Judiciary Committee.

Mr. Pennington, to authorize and empower executors and administrators in the State of Alabama, to sell stock in the Selma and Meridian Railroad company at private sale ;

Which bill was read and ordered to a second reading.

Mr. Sanford offered a joint resolution providing that the present session of the General Assembly be extended beyond the thirty days fixed by the Constitution of the State ;

Which was read and adopted—Yeas 21, nays 4.

Those who voted in the affirmative are, Messrs. Barr, Coon, Farden, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Pennington, Richards, Sanford, Sevier, Sibley, Wise, Whitney and Wyman—21.

Those who voted in the negative are, Messrs. Oliver, Stow, Worthy and Yordy—4.

Mr. Coon introduced a joint resolution of sympathy for the patriots of Cuba ;

Which was read.

Mr. Farden offered a substitute ;

Which substitute was laid over.

House bill, to amend the act to appoint counsel in certain cases ;

Was read twice forthwith and referred to the Judiciary Committee.

Senate then adjourned till 11 o'clock Monday morning.

MONDAY, December 6, 1869.

Senate met pursuant to adjournment.

Mr. Worthy in the chair, as temporary chairman, owing to the illness of Lieut. Gov. Applegate.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Oliver, Pennington, Royal, Sanford, Sevier, Sibley, Stow, Whitney, Worthy, Wyman and Yordy—22.

Journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

Mr. Oliver, to amend an act entitled an act to amend sections 3, 8 and 13 of an act entitled an act in relation to chancery courts in the State of Alabama ;

By Mr. Martin, to amend section 750 of the Revised Code, and to prescribe the sessions of the circuit court for the county of Russell ;

By Mr. Stow, to benefit the South and North Alabama railroad company ;

By Mr. Wyman, to incorporate the trustees of the Marion Presbyterian Church, in Perry county ;

By Mr. Yordy, for the relief of John Gamble Burton, a minor ;

To amend section 3515 of the Revised Code ;

To amend section 1064 of the Revised Code ;

By Mr. Barr, to charge the separate estates of married women for benefits actually conferred ;

By Mr. King, for the relief of W. H. H. Shofner, and change of name ;

To authorize W. H. Parks, late register in chancery, to make title to lands sold by him while he was the register ;

To regulate the publication of legal and other notices in Dale county ;

For the relief of Samuel D. Durham, of Coffee county ;

Which bills were severally read and ordered to a second reading.

By Mr. Martin, to authorize John R. Mott, a citizen of Georgia, to qualify as executor of the estate of J. A. Chapman, deceased ;

Which bill was read three times forthwith and passed.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 6th, 1869. }

*Mr. President :*

The House has originated and passed bills, as follows :

To repeal an act to authorize the formation of boards of trade in the several cities of this State ;

To authorize the commissioners court of Sumter county to levy a special tax upon the property of said county, for the purpose of working the roads in said county ;

To incorporate Melbourn Mills.

Respectfully,

W. B. CLOUD,  
Clerk.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Jones, from the committee on engrossed bills, reported sundry bills as correctly engrossed.

Mr. Stow, from the select committee on the memorial of the Southern Express company, reported a bill,

Which was read, and on motion of Mr. Coon, laid on the table and 50 copies ordered to be printed.

Mr. McAfee, from the Judiciary Committee, reported adversely to bills,

For the relief of Justices of the Peace ;

To establish county courts with civil jurisdiction ;

Which reports were severally concurred in.

Also, from the same committee, reported favorably to the bill,

To allow the administrators of the estate of William M. Burgess, deceased, to sell the real estate at private sale ;

Which bills were ordered to a third reading.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably to the House bills,

To incorporate the Greensboro' Fire Company. No 1, of Greensboro' ;

Which bill was ordered to a third reading.

Also, from the same committee, reported adversely to the bill,

To protect planters and farmers in Greene county from depredations of stock ;

Which report was concurred in.

Mr. Wyman, from the Committee on Taxation, reported adversely to the bill,

To amend sections 106, 107, 109 and 114 of the revenue laws ;

Report and bill were laid on the table and 50 copies ordered to be printed.

Also, from the same committee, reported adversely to the bill—

To report articles 18 and 19 of section 112, of the revenue laws ;

Which report was not concurred in—Yeas 9, nays 16.

Those who voted in the affirmative are—

Messrs. King, Lentz, Pennington, Richards, Royal, Sanford, Stow, Wyman and Yordy—9.

Those who voted in the negative are—

Messrs. Barr, Coon, Foster, Glass, Johnston, Jones, Lambert, McAfee, Mabry, Martin, Oliver, Sevier, Sibley, Whitney and Worthy—16.

Mr. Whitney moved to amend, as follows :

That all other men not herein named, doing business in the State, shall be exempt from taxation ;

On motion of Mr. Pennington, the whole subject was laid on the table—Yeas 19, nays 6.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Glass, Johnston, King, Lentz, Mabry,

Mahan, Martin, Pennington, Richards, Royal, Sanford, Sibley, Stow, Whitney, Worthy, Wyman and Yordy—19.

Those who voted in the negative are—

Messrs. Foster, Jones, Lambert, McAfee, Oliver and Sevier—6.

On motion of Mr. Richards, the bill to provide for common schools in the State of Alabama;

Was taken from the table, and made special order for 12 o'clock to-morrow morning.

Mr. President announces Messrs. Sevier, Barr and Pennington as the select committee on the bill, to establish a general vaccine office in the State of Alabama.

Senate then adjourned till 11 o'clock to-morrow morning.

TUESDAY, December 7, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—25.

Journal of yesterday was read and approved.

Message from the Board of Regents of the State University was read;

Which was read and referred to a select committee, composed of Messrs. Richards and Barr.

Mr. Coon offered the following resolution:

*Resolved*, That the Senate proceed to elect a President *pro tem.*, who shall serve as presiding officer of the Senate during the illness or disability of the regular presiding officer of the Senate.

On motion of Mr. Richards, it was amended by striking out the words "*pro tem.*"

Resolution thus amended was adopted.

Senate then proceeded by ballot to elect a President.

On the first ballot, Mr. Barr received 14 votes, Mr. Richards 7, Mr. Sibley 6, and Mr. Royal 1.

On the second ballot, Mr. Barr received 18 votes, Mr. Richards 7, Mr. Royal 2, and Mr. Whitney 1.

Mr. Barr thus having a majority of all the votes cast, was declared to be elected president as per resolution.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Sibley, to provide for the care and support of hospital patients at Talladega ;

Which bill was read twice forthwith and referred to the Committee on Public Buildings and Institutions.

By Mr. Whitney, for the relief of Isabella Frazier, a minor ;

Which bill was read three times forthwith and passed.

By Mr. Mahan, to amend an act to amend an act to lay off and divide the State of Alabama into twelve judicial circuits, and fix the time of holding the courts therein, approved October 6, 1868.

By Mr. McAfee, to divide the State into judicial districts.

By Mr. Worthy, to re-organize the 8th judicial circuit ;

To establish the 13th judicial circuit ;

Which bills were severally read twice forthwith and referred to a select committee, composed of Messrs. Worthy, McAfee, Pennington, Farden and Sevier.

By Mr. McAfee, memorial of Joel F. McCreight ;

Which was read and referred to a select committee, composed of Messrs. McAfee, Farden and Oliver.

By Mr. Pennington, to authorize and require Andrew B. Griffin, County Treasurer of Lee county, to sign the bonds of Lee county, issued for the Eufaula, Opelika, Oxford and Guntersville Railroad ;

Which bill was read three times forthwith and passed.

By Mr. Pennington, to authorize the Judge of Probate of Lee county, to affix the seal of the Court of Probate of said county without affixing State stamp to the bonds of said county, issued to the Eufaula, Opelika, Oxford and Guntersville Railroad.

By Mr. Foster, to authorize the payment of attorneys' fees in certain cases.

By Mr. Richards, in relation to injunctions.

By Mr. Miller, to authorize Thomas H. Hampton, of Butler county, to sell and dispose of the property belonging to his children ;

Which bills were severally read and ordered to a third reading.

By Mr. Pennington, to alter and amend section 106, and repeal sections 107, 108, 109 and 118 of the revenue laws of this State.

By Mr. Yordy, memorial of the trustees of township 18, range 1, west, of Sumter county ;

Which was read and referred to the Committee on Education.

By Mr. Foster, for the relief of Walker, Murphy & Winter ;

Which bill was read twice, and referred to the Committee on Accounts and Claims.

At 12 o'clock, the special order was taken up, it being the bill, to provide for common schools in the State of Alabama ;

Mr. Richards moved to amend by striking out the word "county," in the 3d and 7th lines of the 1st section, and in the 3d, 4th and 7th lines of the 2d section ;

Mr. Foster moved to postpone the whole subject until Friday next.

Which motion was lost.

On motion of Mr. Whitney, the whole subject was referred to a select committee ; and Messrs. Richards, Pennington, Stow, Foster and Coon were appointed.

Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, December 8, 1869.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Richards of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney, Worthy, Wyman and Yordy—29.

Journal of yesterday was read and approved.

On motion, the call of the districts was suspended, in or-



der to take up Senate bills on the second and third reading.

Senate bills—

Declaring the effect of certain decrees in chancery ;

To authorize the county treasurers of Elmore and Autauga counties to pay salaries in lieu of fees to the solicitors of said counties ;

For the relief of John B. Boddie of Marengo county ;

For the relief of Mariah D. Jackson ;

For the relief of Bryant H. McCulloch ;

For the relief of John S. Baugh ;

To repeal an act to establish the city court at Huntsville ;

To relieve Martha D. Mosely from the disabilities of marriage with Andrew B. S. Moseley ;

To annex the county of Sanford to the 3d judicial circuit, and to fix the time of holding the circuit court in certain counties in said circuit ;

To authorize the administrator of the estate of Gottlieb Breitling, deceased, to compromise debts due said estate ;

To amend section 844 of the Revised Code ;

To vest certain lands therein named, in the heirs and widow of Isaac L. Ward, deceased, late of Cherokee county ;

Were severally read a third time and passed.

Senate bill, to establish the city court of Eufaula ;

Was read a third time and laid on the table.

Senate bill, to authorize the State treasurer to sell the specie in the State treasury ;

Was read a third time and laid on the table.

Senate bill, to relieve the chancellor of the northern division from the necessity of holding two terms annually, in Franklin and DeKalb counties ;

Was referred to the Judiciary Committee.

Senate bill, to fix the times of holding the circuit court in the 11th judicial circuit ;

Was referred to the select Committee on the Judicial Districts, raised yesterday.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 8, 1869. }

*Mr. President :*

The House has originated and passed the following bills :

A bill to repeal an act to empower the Governor to appoint a judge of the county court of Calhoun, approved November 24, 1868 ;

A bill to abolish the city court of Selma, and to transfer all the cases now pending, both civil and criminal, together with all the dockets, papers and books, to the circuit court of Dallas county ;

And has concurred in joint resolution to extend the present session of the General Assembly ;

Have also adopted joint resolution in relation to taking a recess.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Richards, from the select committee, reported back, amended, the bill to provide for common schools in the State of Alabama ;

Mr. Barr moved to recommit the bill ;

Mr. King moved to lay the bill on the table ;

Which motion was lost—yeas 8, nays 19.

Those who voted in the affirmative are, Messrs. Johnston, King, Lambert, Martin, Miller, Oliver, Stow and Worthy—8.

Those who voted in the negative are, Messrs. Barr, Bromberg, Coon, Farden, Foster, Jones, Lentz, McAfee, Mabry, Morton, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Whitney, Wyman and Yordy—19.

Mr. Mabry moved to recommit the bill to the same committee, with Messrs. McAfee and Lambert added ;

Which motion was lost ;

Mr. King moved to amend as follows :

That the provisions of this act shall not apply to the counties of Coffee, Dale and Henry ;

Mr. Richards, moved to lay said amendment on the table ;

Which motion was lost—yeas 13, nays 14.

Those who voted in the affirmative are, Messrs. Barr, Coon, Farden, Foster, Lentz, Morton, Pennington, Richards, Sevier, Sibley, Whitney, Wyman and Yordy—13.

Those who voted in the negative are, Messrs. Bromberg, Johnston, Jones, King, Lambert, McAfee, Mabry, Martin, Miller, Oliver, Royal, Sanford, Stow and Worthy—14.

On motion of Mr. Bromberg, the bill was committed to the judiciary committee.

Mr. Bromberg, with leave, introduced a memorial ;

Which was referred to the Committee on Municipal and County Organizations.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
Dec. 8, 1869. }

*Mr. President:*

The House has originated and passed the following bill :  
A bill to re-establish the county of Colbert.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
December 8, 1869. }

*Mr. President:*

The House has originated and adopted a joint resolution as  
herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
December 8, 1869. }

*Mr. President:*

The house has originated and adopted a joint resolution as  
herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.

House bill—To re-establish the county of Colbert ;

Was read three times forthwith and passed—yeas 27, nays 0.

Those who voted in the affirmative are, Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney, Worthy, Wyman and Yordy—27.

House bill—To abolish the City Court of Selma, and to transfer all the causes, &c., to the Circuit Court of Dallas county,

Was read three times forthwith and passed.

House joint resolution relative to a recess was read.

Mr. Foster moved to substitute January 24th for January 10th ;

Which motion was lost ;

Resolution was then adopted—yeas 15, nays 10.

Those who voted in the affirmative are, Messrs. Coon, Farden, Glass, King, Lentz, McAfee, Mabry, Miller, Morton, Royal, Sanford, Sevier, Sibley, Stow and Worthy—15.

Those who voted in the negative are, Messrs. Barr, Bromberg, Foster, Lambert, Oliver, Pennington, Richards, Whitney, Wyman and Yordy—10.

House bill—To incorporate the Greensboro' Fire Company, No. 1, of Greensboro', Alabama ;

To fix the time of continuance of the Circuit Court of Coosa county ;

Were severally read a third time and passed.

#### HOUSE JOINT RESOLUTION

To Congress in relation to the improvement of the Bay and Harbor of Mobile, was read and adopted ;

Senate then adjourned till 11 o'clock to-morrow morning.

THURSDAY, December 9, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—30.

Journal of yesterday was read and approved.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 9, 1869. }

*Mr. President :*

The House has concurred in Senate joint resolution to refer memorial of Board of Education to Special Committee, and have appointed Messrs. Hart, Burton and Richardson, committee on the part of the House, and has originated and passed the following bills:

To make an appropriation to pay for a safe in the Treasurer's office ;

To increase the pay of jurors and civil officers of the counties of Covington and Coosa ;

To open registration lists of voters on the day of voting, &c. ;

To regulate the carriage of passengers on street railroads in the city and county of Mobile ;

To fix the time of holding courts in the 4th judicial circuit ;

To amend an act entitled an act to repeal an ordinance to abolish the new county of Baine, &c ;

To enable the commissioners' courts of St. Clair and Walker counties, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Worthy, from the committee on public buildings and institutions,

Reported adversely to the House Joint Resolution for the appointment of a Joint Committee to visit the deaf, dumb and blind institution at Talladega ;

Which report was concurred in.

Also, from the same committee ;

Reported favorably, with amendment, to the bill

To amend an act to establish an institution for the deaf and dumb, approved January 27th, 1860 ;

Which amendment was adopted, and the bill, as amended, was read a third time forthwith and passed ; Yeas 29, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry,

Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—29.

Mr. Morton voted in the negative—1.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills, &c., were introduced :

By Mr. Sevier, to incorporate the Deshler Female Institute at Tuscumbia ;

By Mr. Whitney, to incorporate the town of Scottsboro, Jackson county.

By Mr. Sanford, to authorize the Secretary of State to furnish certain public officers with a correct map of the State ;

By Mr. McAfee, to amend and repeal subdivision 10, of section 750, of the Revised Code ;

By Mr. Lambert, making an appropriation to pay teachers of public or common schools for the years 1866 and 1867 ;

For the relief of William G. Garrett of Talladega county ;

By Mr. Mabry, in relation to jurors in Barbour county ;

By Mr. Stow, to make Mrs. Lucy H. Dreyspring of Montgomery county, a free dealer ;

By Mr. Johnston, to incorporate the town of Greensboro, in the county of Hale ;

To establish a chancery court for Hale county ;

By Mr. Jones, to amend an act to establish the Canebrake agricultural district ; to provide for securing the same, and the management of its affairs ;

By Mr. Foster, to invest the chancellor of the Western Chancery Division with jurisdiction in the case of John F. Wiatt *vs.* Lucy E. Wiatt ;

By Mr. Barr, to provide for the election of members of the board of education ;

By Mr. King, to incorporate the town of Columbia, Henry county, Alabama ;

To preserve good order at and around the China Grove Camp Ground in Dale county ;

To declare Hurricane Creek, in Henry county, a public highway ;

Which bills were severally read and ordered to a second reading.

By Mr. Martin, for the relief of Louisiana Lester, of Russell county ;

Which bill was read twice forthwith and referred to the committee on grievances and disabilities.

By Mr. Richards, to aid certain railroads ;

To confer additional power on the Alabama and Chattanooga Railroad Company ;

To ratify and confirm the title of the Alabama and Chattanooga Railroad Company to certain lands ;

Which bills were read twice forthwith and referred to the committee on internal improvements, with instructions to have this report printed ;

Mr. McAfee, from the select committee, reported a bill,

To authorize and empower Joel F. McCreight of the county of Clay, State of Alabama, to keep, sell and vend goods, wares and merchandise, and groceries, and retail spirituous and vinous liquors, without paying license therefor to said State or county, either as tax or a license ;

Which bill was ordered to a second reading.

Mr. Bromberg introduced memorial of sundry citizens of Mobile relative to the board of trade of that city ;

Which was read and referred to the committee on finance ;

Also, a memorial of the board of school commissioners of Mobile county ;

Also, a memorial in behalf of the medical college of Mobile ;

Both of which memorials were referred to the committee on education.

Mr. Pennington, from the joint select committee, reported bills ;

To amend the revenue laws as to taxation on railroads ;

To authorize railroad companies to sell and dispose of perishable and unclaimed freight ;

Which bills were severally read twice forthwith and referred to the Committee on Finance.

Mr. Jones, from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably, with amendments, to the bill, to re-organize the municipal government of the city of Mobile ;

Which amendments were adopted.

Said bill was then considered section by section.

Mr. Farden moved to amend section 2 by substituting the words " the Governor of the State by, and with the consent of the Senate," for the words " board of commissioners."

Mr. Bromberg moved to lay said amendment on the table ;

Which motion was lost, and the amendment was adopted ;  
Yeas 18 ; nays 11.

Those who voted in the affirmative are—

Messrs. Bromberg, Farden, Johnston, King, Lambert, Lentz, Mahan, Miller, Oliver, Richards, Royal, Sanford, Sevier, Stow, Wise, Wyman, Worthy and Yordy—18.

Those who voted in the negative are—

Messrs. Barr, Coon, Foster, Glass, Jones, McAfee, Mastin, Morton, Pennington, Sibley and Whitney—11.

On motion of Mr. Coon, section 5 was amended.

Mr. Farden moved to amend section 11, as follows :

Which was laid on the table :

That said election shall be held under the existing laws of the State governing elections, and the qualifications only required as a voter shall be the same as for State officers, and any person who is an elector shall be entitled to hold any such offices ;

Bill was recommitted to the same committee.

Mr. Jones, rising to a question of privilege, had the secretary to read an editorial article in the " Mobile Daily Tribune," of November 30.

Senate then adjourned till 11 o'clock to-morrow morning.

FRIDAY, December 10, 1869.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Miller, of the Board of Education.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Mastin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—32.

Journal of yesterday read, corrected and approved.

Mr. Richards offered the following resolution :

*Resolved*, That the call of the districts be suspended until the proposed recess of the two houses ; and that no new business shall be introduced without the unanimous consent of the Senate ; and that we proceed at once to take up and



dispose of bills on their third and second reading, and House bills in the order herein specified.

Mr. Pennington moved to add "and reports of committees."  
Whole subject lies over one day.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Mahan, to make Elizabeth Brown, wife of Oliver C. Brown, of Bibb county, a free dealer ;

By Mr. Morton, to amend an act to incorporate the Warrior Bridge Pontoon and Ferry Company ;

By Mr. Lambert, to make Mrs. Mary Hines, of Coosa county, a free dealer ;

By Mr. Mabry, for the relief of Mary West, of Barbour county ;

By Mr. Richards, relating to the place of meeting of the stockholders of the New Orleans, Mobile and Chattanooga Railroad Company ;

Relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company.

By Mr. Worthy, to amend section 2892 of the Revised Code, in relation to the law of garnishment ;

Which bills were severally read and ordered to a second reading.

By Mr. Martin, for the relief of Louisiana Lester, of Russell county ;

Which bill was read twice forthwith and referred to the Committee on Grievances and Disabilities.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Stow, from the Committee on Finance, reported favorably to the bill, to amend the revenue law as to taxation on railroads.

Mr. King moved to strike out "stockholders" and insert "in the hands of the president, and be returned to the assessor of the county where the principal office is located ;"

Which motion was carried.

Mr. Oliver moved to strike out section 2 ;

Which motion, on motion of Mr. Pennington, was laid on the table ;

Yeas 21 ; nays 7.

Those who voted in the affirmative are—

Messrs Barr, Buckley, Coon, Farden, Glass, Johnston, Jones, King, Lambert, Lentz, Martin, Miller, Pennington, Richards, Royal, Sevier, Sibley, Stow, Wise, Whitney and Wyman—21.

Those who voted in the negative are—

Messrs. Bromberg McAfee, Mabry, Mahan, Oliver, Sanford and Yordy—7.

Mr. Yordy was excused from voting—1.

Bill was ordered to a third reading.

Mr. Wyman, from the Select Committee, reported a substitute for the bill, to form a new county out of portions of Dallas, Perry, Wilcox and Marengo counties, to be called Chillatchie.

Mr. Coon moved to lay the whole subject on the table ;

Which motion was lost, and the substitute was adopted.

Mr. Coon moved to recommit the bill and substitute to the Committee on Municipal and County Organizations ;

Which motion, on motion of Mr. Foster, was laid on the table ;

Pending consideration of the bill,

Senate adjourned till 11 o'clock to-morrow morning.

SATURDAY, December 11, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—32.

Journal of yesterday was read and approved.

Mr. Richards called his resolution as to the order of business introduced yesterday.

Mr. Foster moved to postpone the further consideration of the resolution,

Which motion, on motion of Mr. Farden, was laid on the table ;

And the resolution was adopted.

Senate bills—

To incorporate the Phoenix Fire Company, No. 1, of Eu-  
faula ;

To authorize the Southern Life Assurance and Trust Com-  
pany, of Mobile, to cease business, &c.;

To amend section 1074 of the Revised Code ;

To authorize the Governor to issue letters patent for lots  
1, 6, 7 and 8, &c.;

To authorize John R. Mott to qualify as executor ;

To allow Wash G. Cain to sell certain real estate ;

For the relief of Henry B. Vincent, of Autauga county ;

To allow the administrators of the estate of William M.  
Burgess, deceased, to sell at private sale ;

Were severally read a third time and passed.

On motion of Mr. Sibley, Senate bill, to amend section 59  
of the Revised Code ;

Was indefinitely postponed.

Senate bill, for the relief of Sol. E. Jordan, sheriff of Ran-  
dolph county ;

Was read a third time and lost, not receiving the constitu-  
tional two-thirds vote.

Yeas 17, nays 11.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Foster, Glass, Johnston, King,  
Lambert, Lentz, McAfee, Martin, Morton, Richards, Sanford,  
Wise, Whitney, Worthy and Wyman—17.

Those who voted in the negative are—

Messrs. Buckley, Mabry, Mahan, Miller, Oliver, Pennington,  
Royal, Sevier, Sibley, Stow and Yordy—11.

On motion of Mr. Whitney, said vote was rescinded, and  
the bill was recommitted to the Judiciary Committee.

Senate bill, to constitute Clementine C. Constantine a free  
dealer ;

Was amended, on motion of Mr. Whitney, so as to extend  
the provisions to Mrs. Judith Scott, wife of Mr. R. T. Scott,  
of Jackson county ;

As amended, the bill was read a third time and passed.

Senate bill, to repeal a proviso of section 3, of an act to  
adopt the law in relation to the incorporation of Tuscumbia ;

Was referred to the Committee on Municipal and County  
Organizations.

Senate bill, relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company ;  
Was read a second time.

Mr. Bromberg moved to insert "all other railroads in this State ;"

Bill and amendment were referred to the Committee on Internal Improvements.

Senate bills, relating to the place of meeting of the stockholders of the New Orleans, Mobile and Chattanooga Railroad Company ;

To amend an act to incorporate the Warrior Bridge, Pontoon and Ferry Company ;

To benefit the South and North Alabama Railroad Company ;

Were severally read a second time and referred to the committee on internal improvements.

Senate bills, to regulate the payment of taxes by the Sonthern Express Company ;

To make Mrs. Mary Hines of Coosa county, a free dealer ;

To incorporate the town of Greensboro ;

In relation to jurors in Barbour county ;

To declare Hurricane creek, in Henry county, a public highway ;

To amend an act in relation to the Canebrake Agricultural Society, &c. ;

To make Mrs. Lucy H. Dreyspring of Montgomery county, a free dealer ;

To preserve good order at and around China Grove Camp Ground, in Dale county ;

To make Elizabeth Brown, wife of Oliver C. Brown, of Bibb county, a free dealer ;

To incorporate the trustees of Marion Presbyterian church, in Perry county ;

To authorize the judge of probate of Lee county, to affix the seal of the probate court of said county, without affixing the State stamps to the bonds of said county, issued to the Eufaula, Opelika, Oxford and Guntersville Railroad ;

For the relief of Mary West of Barbour county ;

Were severally read a second time and ordered to a third reading.

Senate bill, to allow the court of county commissioners of Jackson, &c. ;

Was read a second time and referred to the committee on municipal and county organizations.

Senate bill, to authorize the payment of attorneys' fees in certain cases ;

Was read a second time and referred to the committee on accounts and claims ;

Senate bills, making an appropriation to pay teachers of public schools for 1866 and 1867 ;

To provide for the election of members of the board of education ;

Were severally read a second time, and referred to the Committee on Education.

Senate bills—

In relation to injunctions ;

To incorporate the Deshler Female Institute at Tuscumbia ;

To amend and repeal sub-division 10, of section 750 of the Revised Code ;

To amend section 2892 of the Revised Code, in relation to the law of garnishment ;

To amend section 3515 of the Revised Code ;

To amend section 1064 of the Revised Code ;

To authorize Thomas H. Hampton of Butler county, to sell the property of his children ;

To charge the separate estates of married women for the benefits actually conferred ;

Were severally read a second time and referred to the Judiciary Committee.

Senate bills—

To establish a chancery court for Hale county ;

To establish a chancery court for the county of Hale ;

To amend an act to amend sections 3, 8 and 13 of an act in relation to chancery courts in Alabama ;

To amend section 750 of the Revised Code, and to prescribe the sessions of the circuit court for Russell county ;

To apply and extend the law of garnishment to cases in chancery ;

To enlarge and extend the jurisdiction of courts of chancery ;

Were severally read a second time and referred to the Committee on Judicial Districts.

Senate bill, to invest the chancellor of the western division with jurisdiction in the case of *John F. Wiatt vs. Lucinda E. Wiatt* ;

Was read a second time and laid on the table.

Senate bills—

To incorporate the town of Scottsboro, Jackson county ;  
 For the relief of John Gamble Burton, a minor ;  
 To incorporate the town of Columbia, Henry county ;  
 To provide tract books for new counties ;

Were severally read a second and third time forthwith and passed.

Senate bill, to authorize the Secretary of State to furnish certain public officers with a correct map of Alabama ;

Was read a second time and referred to the Committee on Finance.

Senate bill, for the relief of William G. Garrett of Talladega county ;

Was read a second time ;

On motion of Mr. Foster, the bill was amended so as to extend the provisions to Walker Bradley of Choctaw county ;

As amended, the bill was read a third time forthwith and passed.

Senate bill, to regulate the publication of legal and other notices in Dale county ;

Was read a second time and referred to the Committee on Printing.

Senate bill, to authorize William H. Parks, late Register in Chancery, to make titles to lands sold by him while Register ;

Was read a second time and referred to the Judiciary Committee.

Senate bills—

For the relief of W. H. H. Shofner, and change of name ;

For the relief of S. D. Durham of Coffee county ;

To authorize and empower executors and administrators to sell stock in the Selma and Meridian Railroad Company at private sale ;

Were severally read a second time and referred to the Committee on Grievances and Disabilities.

Senate bill, to authorize and empower Joel F. McCreight, of Clay county, to sell without license or tax ;

Was read a second time and laid on the table.

Senate bill, to amend section 2347 of the Revised Code ;

Was read a second time ;

Mr. Pennington moved to amend as follows :

That Judges of Probate shall exact no fees from parties to whom marriage licenses are granted, but they shall be entitled to \$2 for each and every license, to be paid out of the treasury of the county, by the County Treasurer, on the order of the Court of County Commissioners ;

Mr. Sanford moved to lay said amendment on the table.

Which subject was then laid on the table—yeas 18, nays 9.

Those who voted in the affirmative are, Messrs. Coon, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, McAfee, Miller, Pennington, Richards, Royal, Sevier, Sibley, Wise, Whitney and Wyman—18.

Those who voted in the negative are, Messrs. Bromberg, Farden, Lambert, Mabry, Mahan, Martin, Oliver, Sanford and Yordy—9.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
December 11, 1869. }

*Mr. President :*

The House has originated and passed a bill ;

To amend the 1st section of an act approved 25th January, 1867.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate bill, to regulate common carriers was taken up on its second reading ;

The question pending being on Mr. Worthy's amendment ;

Mr. Jones offered the following amendment, which Mr. Worthy accepted :

That all public incorporated companies in this State, such as theatres, shows, &c., come under the provisions of this act ;

Mr. Foster moved to postpone and make special order ;

Which motion was laid on the table ;

Mr. Pennington moved to lay Mr. Worthy's amendment on the table ;

Which motion was lost—yeas 9, nays 20.

Those who voted in the affirmative are, Messrs. Coon, Foster, Glass, Hinds, Lentz, Pennington, Richards, Sibley and Wise—9.

Those who voted in the negative are, Messrs. Barr, Bromberg, Farden, Jones, King, Lambert, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Royal, Sanford, Sevier, Stow, Whitney, Worthy, Wyman and Yordy—20.

Pending consideration of the amendment—

Senate then adjourned till 10 o'clock Monday morning.

MONDAY, December 13, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain of the Senate.

# ROLL CALL.

On the call of the rôll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Foster, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—28.

Journal of Saturday was read and approved.

Senate bill, to regulate common carriers was taken up and the question pending being on Mr. Worthy's amendment, and Mr. Worthy entitled to the floor.

On motion of Mr. Lambert, the bill and amendment were made special order for 12 o'clock, 10th January, 1870.

Mr. Glass was excused on account of illness.

Owing to the illness of Mr. Jones, Sargeant-at-Arms, Mr. President appointed Mr. Scott to fill his place.

On motion of Mr. Worthy, the Secretary of the Senate was authorized to employ assistance in keeping up the work of the Senate until the recess.

Mr. Coon, Chairman of the Committee on Internal Improvements, was authorized to employ a clerk for said committee.

Before 11 o'clock Mr. Farden gave notice that he would move to reconsider the vote by which the Senate postponed indefinitely the bill,

To amend section 59 of the Revised Code ;

Mr. Worthy, with leave, introduced a joint resolution,

To provide pay for the expenses of the Joint Committee to visit the penitentiary ;

Which was read three times forthwith and passed—yeas 23, nays 0.

Those who voted in the affirmative are, Messrs. Bromberg, Coon, Farden, Foster, Johnston, Jones, King, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Wise, Worthy, Wyman and Yordy—23.

Senate concurred in the adverse reports to Senate bills,

For the relief of the poor of Marengo county ;



To amend sections 106, 107, 108, 109 and 114 of the revenue laws.

Senate bill, for the relief of E. C. Milner, Tax Collector of Butler county ;

Was read a third time and passed—yeas 21, nays 0.

Those who voted in the affirmative are, Messrs. Bromberg, Coon, Foster, Hinds, Johnston, Jones, King, Lentz, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Royal, Sevier, Sibley, Wise, Worthy, Wyman and Yordy—21.

Mr. Sanford was excused from voting—1.

Senate bill, to create a new county to be called Chillatchie ;

Was read a third time and passed—yeas 22, nays 8.

Those who voted in the affirmative are, Messrs. Bromberg, Foster, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Worthy, Wyman and Yordy—22.

Those who voted in the negative are, Messrs. Buckley, Coon, Farden, Hinds, Royal, Stow, Wise and Whitney—8.

House bills—

In relation to plantations and crops in Lauderdale county ;

To repeal an act to empower the Governor to appoint a Judge of the County Court of Calhoun county ;

Supplemental bill to open registration lists in the county of Franklin ;

To amend the 1st section of an act approved 25th January, 1867 ;

To authorize the Auditor to issue duplicate warrants ;

To provide an election for a permanent seat in Dale county ;

Were severally read three times forthwith and passed.

House bill, to attach a part of Autauga to Baker county ;

Was read three times forthwith and passed—Yeas 29, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—29.

House bill, to attach a part of Baker county to Dallas county ;

Was read three times forthwith and passed—Yeas 26, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Jones, King, Lambert, McAfee, Mabry, Martin, Miller, Mor-

ton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—26.

Mr. Mahan voted in the negative—1.

House bills—

To provide for the revising, digesting and promulgation of all the public statutes of this State, both civil and criminal ;

To make an appropriation to pay for a safe in the office of the State treasurer ;

For the relief of the heirs of T. J. Fry, deceased ;

To repeal an act to authorize the formation of boards of trade in this State ;

To authorize the commissioners court of Sumter county to levy a special tax for the working of public roads ;

To incorporate Melburne Mills ;

For the relief of free dealers ;

To change the apportioning of hands on roads in Tallapoosa county ;

To relieve disabilities from persons against whom a divorce has been granted ;

To impose the penalty of perjury upon persons for falsely, wilfully and maliciously taking the oath of office in this State ;

To authorize executors and administrators of insolvent estates to sell at public outcry, all the claims due such estates ;

To fix the time for holding the courts in the 4th judicial circuit ;

To amend an act to repeal an ordinance to abolish the new county of Baine, &c. ;

To repeal a special act to increase the pay of jurors and civil officers in the counties of Covington and Coosa ;

To legalize the marriage ceremony between S. A. Thornton and Martha F. B. Thornton, of Etowah county ;

Explanatory of an act for the relief of the poor of the State of Alabama, approved December 15, 1868 ;

Regulating the sales of lands, made by or under any process from any court authorized by law to order or decree sales, or under any mortgage or deed of trust ;

To declare William Russell, of Geneva county, a citizen of Coffee county ;

To repeal an act to declare Joseph Harris a liner between the county of Chambers and Lee ;

To repeal section 4198 of the Revised Code ;

To make Wiley Dixon a liner, a citizen of Covington county ;

For the relief of Andrew D. McComb of Randolph county ;

To authorize executors and administrators to sell at public outcry, promissory notes, accounts and other claims due estates of decedents in certain cases ;

To amend section 775 of the Revised Code ;

To regulate the pay of State witnesses in Montgomery county ;

To change the name of Alfred Buckner of Elmore county, to Alfred Neely ;

For the relief of Laura E. Lanier, of Pickens county ;

To provide for the payment of the bonds of the town of Troy, by real estate owners of said town ;

To repeal an act to change the county lines between the counties of Chambers and Lee ;

To repeal section 1389 of the Revised Code ;

Were severally read and ordered to a second reading.

House bill, to regulate the carriage of passengers on street railroads in the city and county of Mobile ;

Was read twice forthwith ;

Mr. Worthy moved to refer the bill to the Judiciary Committee ;

Which motion was laid on the table.

Mr. Worthy offered the same amendment that he had previously offered to the bill, to regulate common carriers ;

Which amendment, on motion of Mr. Pennington, was laid on the table—Yeas 19, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Foster, Hinds, Johnston, Lambert, Lentz, Martin, Morton, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney and Yordy—19.

Those who voted in the negative are—

Messrs. Bromberg, Farden, Jones, King, McAfee, Mabry, Mahan, Miller, Oliver, Sevier, Worthy and Wyman—12.

Mr. King moved to amend, as follows :

*Provided*, That the conductor or manager of common carriages shall have power to assign all persons their department in said common carriages ;

Which amendment was laid on the table—Yeas 18, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Foster, Hinds, Lentz, Martin, Miller, Morton, Pennington, Richards, Royal, Sanford, Sibley, Stow, Whitney, Wyman and Yordy—18.

Those who voted in the negative are—

Messrs. Bromberg, Farden, Johnston, Jones, King, Lambert, McAfee, Mabry, Mahan, Oliver, Sevier and Worthy—12.

Mr. Jones moved to adjourn ;

Which was lost ;

Mr. Bromberg moved to suspend the constitutional rule in order to give the bill a third reading forthwith ;

Which motion was lost—Yeas 18, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Foster, Hinds, Lentz, McAfee, Mabry, Miller, Morton, Oliver, Richards, Royal, Sanford, Sibley, Wyman and Yordy—18.

Those who voted in the negative are—

Messrs. Farden, Jones, King, Lambert, Mahan, Martin, Pennington, Sevier, Stow, Wise, Whitney and Worthy—12.

Bill was then ordered to a third reading.

House bill, to enable the commissioners courts of St. Clair and Walker counties to erect bridges and to have public buildings repaired, and to make the same preferred claims ;

Was read twice forthwith ;

Mr. Oliver moved to amend, as follows :

*Provided*, That this act shall not take effect until all the outstanding claims against the county have been paid ;

Bill and amendment were referred to the Committee on Municipal and County Organizations.

House bill, to prohibit the sale of spirituous liquors within two miles of the Alabama and Chattanooga railroad ;

Was read twice forthwith ;

On motion of Mr. Jones, the bill was amended, as follows :

*Provided*, Nothing contained in this act shall apply to regularly licensed retailers ;

Bill was then referred to the Judiciary Committee.

House joint resolution, relative to a room for the engrossing and enrolling clerks of the House ;

Was read and indefinitely postponed.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
Dec. 13, 1869. }

*Mr. President:*

The House has originated and passed the following bills :

For the relief of Laura E. Lanier, of Pickens county ;

To change the name of Alfred Buckner to Alfred Neely ;

To regulate the pay of State witnesses in Montgomery county ;

To amend section 775 of the Revised Code ;

To authorize executors and administrators to sell at public sales promissory notes, accounts and other claims due estates of decedents in certain cases ;

For the relief of Andrew D. McComb of Randolph county ;

To make Wiley Dixon, a liner, a citizen of Covington county ;

To amend sub-division 5 of section 2244 of the Revised Code ;

To repeal an act to declare Joseph Harris a liner between the counties of Chambers and Lee ;

To declare Wm. Russell, of Geneva county, a citizen of Coffee county ;

Regulating sales of land sold by, or under any order of court, authorized by law to order or declare sales under any mortgage or deed of trust ;

Explanatory of an act entitled an act, for the relief of the poor of the State of Alabama ;

To legalize the marriage ceremony between S. A. and Martha F. B. Thornton of Etowah county ;

To repeal section :389 of the Revised Code ;

To provide for the payment of the bonds of the town of Troy, by the real estate owners of said town.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
December 13th, 1869. }

*Mr. President :*

I am directed by the House to inform the Senate of its having originated and passed bills of the following titles :

To repeal an act entitled an act to change the county lines between the counties of Chambers and Lee ;

To add a part of Baker county to Dallas county ;

To attach a part of Autauga to Baker county ;

To prevent the sale of spirituous liquors within two miles of the Alabama and Chattanooga Railroad.

W. B. CLOUD,  
Clerk of the House of Representatives.

HOUSE OF REPRESENTATIVES, }  
December 13, 1869. }

*Mr. President :*

The House has originated and passed the following bill :

“A bill to authorize an election to be held in Dale county for the permanent location of the county seat of Dale county.”

W. B. CLOUD,  
Clerk.

REPORTS FROM STANDING COMMITTEES.

Mr. Stow, from the committee on finance, reported favorably, with amendment, to the bill,

To prescribe the salary of the clerk in the auditor's office ;  
Which amendment was adopted.

As amended, the bill was read a third time and passed ;  
Yeas 24, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Jones, King, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Morton, Pennington, Richards, Royal, Sevier, Sibley, Stow, Wise, Whitney and Yordy—24.

Those who voted in the negative are—

Messrs. McAfee, Oliver, Sanford and Worthy—4.

Also, from the same committee, reported favorably, with amendment, to the bill,

To authorize railroad companies to sell and dispose of perishable and unclaimed freights ;

Which amendment was adopted.

As amended, the bill was read a third time and passed.

Mr. McAfee, from the judiciary committee,

Reported favorably (Messrs. McAfee, Sevier and Sibley dissenting) to the House bill,

To confirm the action of the municipal authorities of Mobile in reference to the Mobile and Alabama Grand Trunk Railroad ;

Mr. Bromberg moved to recommit to the same committee.

Mr. Farden moved to lay said motion on the table ;

Which motion was lost ;

Bill was recommitted to a select committee, composed of Messrs. Barr, Whitney, Yordy, Oliver and Wise.

Mr. Coon, from the committee on internal improvements,  
Reported a substitute for the bill ;  
To aid certain railroads.

Said substitute was ordered to be printed and made special order for 12 o'clock to morrow-morning.

Bill, to regulate the taxation on railroads, was returned to the committee on finance.

Senate then adjourned till 10 o'clock to morrow-morning.

TUESDAY, December 14, 1869.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lambert of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—31.

Journal of yesterday was read, corrected and approved.

Mr. McAfee, from the judiciary committee,

Reported favorably to House bills ;

To provide for the proper and equitable distribution of stock in the Mobile and Girard Railroad among the tax payers of the town of Troy ;

To re-enact and put in force certain laws, in relation to the incorporation of the town of Troy ;

Fixing the time of holding the circuit court in the 5th judicial circuit ;

Which bills were severally read a third time forthwith and passed.

Also, from the same committee,

Reported adversely to the House bill,

To amend sections 4206 and 4207 of the Revised Code ;

Which report was concurred in.

Also, from the same committee,

Reported favorably to House bills ;

To authorize G. W. Hewitt and H. E. Hewitt, to sell the lands of the estate of C. H. Perkins, deceased, at private sale, without an order of court ;

To regulate the time of holding the chancery court in the 4th district of the Northern division ;

To amend section 2127 of the Revised Code ;

Which bills were ordered to a third reading.

Also, from the same committee,

Reported adversely to Senate bills ;

For the relief of laborers and employees ;

To repeal section 2196 of the Revised Code ;

To amend section 2161 of the Revised Code ;

To authorize the court of county commissioners of Limestone county to pay a salary to the solicitor of said county ;

To define commissions on sales by registers in chancery ;

To require certain cases of misdemeanor to be returned to the county courts for trial ;

To amend section 4343 of the Revised Code ;

To declare certain offices vacant ;

To amend section S17 of the Revised Code ;

To authorize Catharine Q. Hughes, and others, to establish a ferry across the Coosa river at Gadsden ;

To amend the charter of Dexter Fire Engine Company, No. 1, of Montgomery ;

Which reports were severally concurred in.

Also, from the same committee,

Reported favorably, with amendment, to the bill,

To amend section 2136 of the Revised Code ;

Which amendment was adopted, the bill read a third time forthwith and passed.

Also, from the same committee,

Reported adversely to the bill,

To repeal section 3555 of the Revised Code ;

Which bill was recommitted to the same committee.

Also, from the same committee,

Reported favorably to bills,

To amend section 3706 of the Revised Code ;

For the relief of Geo. W. Henderson ;

To amend section 447 of the Revised Code ;

To prescribe the form of indictment for retailing liquors ;

To prescribe the form of indictment for wholesale dealing in liquors ;

Which bills were ordered to a third reading.

Also, from the same committee, reported favorably, with amendments, to bills,

To amend section 3932 of the Revised Code ;

To amend section 3707 of the Revised Code ;



Which amendments were adopted and the bills ordered to a third reading.

Also, from the same committee, reported favorably to the bills,

To secure complete records in the courts of this State ;

For the relief of Fred Kelly and Jane Kelly of Barbour county ;

Which bills were severally read a third time and passed.

Also, from the same committee, reported adversely to the bill,

For the relief of the estate of Winfield Woolf, deceased ;

Which report was not concurred in, and bill was ordered to a third reading.

Messages from the House.

HOUSE OF REPRESENTATIVES,        }  
December 14th, 1869.        }

*Mr. President :*

The House has originated and passed bills, entitled as follows :

An act, making appropriations for the fiscal year ending the 30th day of September, 1870. Also,

An act to provide for the location of a county site in Etowah county.

Very respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES,        }  
December 14, 1869.        }

*Mr. President :*

The House has passed the following Senate bills:

To give the Probate Court of Montgomery county jurisdiction over the estate of Jas. C. Ray, deceased ;

Declaring the effect of certain decrees in chancery ;

For the relief of W. C. Thorn, of Franklin county, Alabama.

For the relief of Samuel Logan and family, of Coosa county, Alabama ;

And have originated and passed a bill,

Fixing the time for making assessments.

Respectfully,

W. B. CLOUD,  
Clerk.

At 12 o'clock, the special order for that hour came up, it being the substitute reported for the bill,  
 To aid certain railroads ;  
 Which substitute was adopted.  
 The bill was then considered section by section ;  
 The 1st section was read and adopted.  
 Mr. Lambert moved to strike out section 2 ;  
 Pending consideration of which motion, Senate adjourned till 7 P. M.

#### NIGHT SESSION.

Senate met pursuant to adjournment.  
 Consideration of the bill, to expedite the construction of railroads was resumed ;  
 The question being on Mr. Lambert's motion to strike out section 2 ;  
 Which motion, on motion of Mr. Farden, was laid on the table—yeas 16, nays 11.  
 Those who voted in the affirmative are—  
 Messrs. Barr, Farden, Foster, Glass, Hinds, Johnston, Jones, Mabry, Martin, Morton, Richards, Royal, Wise, Whitney and Worthy—16.  
 Those who voted in the negative are—  
 Messrs. Bromberg, Coon, Lambert, Lentz, McAfee, Mahan, Miller, Oliver, Sanford, Sibley and Yordy—11.  
 Mr. Bromberg moved to amend section 2, in the 14th line, by striking out "second" and inserting "first" ;  
 Which amendment was ruled out of order by Mr. Pennington, in the chair, on the ground that the State already has a first mortgage in the Alabama and Chattanooga Railroad ;  
 Mr. Bromberg appealed from said decision, and the decision of the chair was sustained.  
 Mr. Coon moved to amend as follows :  
 In the second line of section 2, after the word "issue," insert the words "first mortgage" ;  
 Which amendment was laid on the table.  
 Mr. Coon moved to amend as follows :  
 In the third line of second section, strike out "millions of" and insert "hundred thousand" ;  
 Which amendment was laid on the table—yeas 15, nays 10.  
 Those who voted in the affirmative are—  
 Messrs. Barr, Farden, Foster, Glass, Hinds, Johnston,

Jones, Mabry, Martin, Morton, Pennington, Richards, Sanford, Whitney and Worthy—15.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Lambert, Lentz, McAfee, Mahan, Miller, Oliver, Sibley, and Yordy—10.

Mr. Yordy moved to amend as follows,

Which amendment was adopted :

*Provided*, That no bonds endorsed under the provisions of this act shall be sold for less than ninety cents on the dollar.

Mr. Coon moved to amend said amendment by adding the words "in gold";

Which motion was lost.

Mr. Coon moved to strike out of the twentieth line the words "interest on the bonds of the State" and insert the words "bonds of the State," and also, the words "and to the payment of the said last named bonds themselves";

Which amendment was adopted.

Mr. Coon moved to amend as follows :

*Provided*, That the provisions of this section shall apply to the Selma, Rome and Dalton Railroad Company;

Which amendment was laid on the table.

Mr. Pennington moved to amend as follows:

*Provided*, That the provisions of this section shall apply to all other railroads ;

Which amendment was laid on the table—yeas 21, nays 6.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, McAfee, Mabry, Mahan, Martin, Pennington, Richards, Royal, Sanford, Wise, Whitney and Worthy—21.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, Miller, Oliver, Sibley and Yordy—6.

Section 2 was then adopted—yeas 18, nays 10.

Those who voted in the affirmative are—

Messrs. Barr, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Mabry, Martin, Morton, Pennington, Richards, Royal, Sanford, Wise, Whitney and Worthy—18.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Lambert, Lentz, McAfee, Mahan, Miller, Oliver, Sibley and Yordy—10.

Mr. Sanford moved to postpone the further consideration of the bill until the 12th January, 1870 ;

Which motion was laid on the table.

The third section was then read ;

Mr. Hinds moved to amend, but accepted a substitute offered by Mr. Pennington.

Mr. Bromberg moved to strike out "twenty thousand," and insert "twelve thousand;"

Which amendment was laid on the table—Yeas 16, nays 11.

Those who voted in the affirmative are—

Messrs. Barr, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Mabry, Martin, Morton, Pennington, Richards, Wise, Whitney and Worthy.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Lambert, Lentz, McAfee, Mahan, Miller, Oliver, Sanford, Sibley and Yordy—11.

Mr. Coon moved to strike out "\$20,000" and insert "\$16,000 ;"

Which motion was lost.

Mr. Sanford moved to amend as follows ;

Which was adopted :

Strike out "consenting" in 45th line and insert "knowing;" insert in 46th line, between "ment" and "shall," the words: "Or having knowledge thereof;" insert in 47th line, between "debt" and "and," the words "and all the property, both personal and real, shall be subject to the payment of such indebtedness, except property exempt from execution and sale under the Constitution of Alabama."

Mr. Hinds' substitute was then adopted.

Section 4 was then read.

Mr. Bromberg moved to amend as follows ;

Which was adopted :

Strike out the 13th, 14th and 15th lines to the first period of the 15th line and insert: "first to the completion and construction of their railroad from Tensas into the city of Mobile, and then to making the line from Montgomery to Tensas a first class road in every respect."

Mr. Coon moved to amend as follows :

*Provided*, That the provisions of this section shall apply to the Selma, Rome and Dalton Railroad Company ;

Which amendment was laid on the table.

Section 4 was then adopted as amended.

Section 5 was also adopted.

Mr. Bromberg offered an additional section, No. 6 ;

Which was laid on the table.

Mr. Richards offered an additional section, No. 6 ;

Pending consideration of which, at 1 A. M.,

Senate adjourned till 10 o'clock, this morning.

WEDNESDAY, December 15, 1869.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—31.

Reading of the Journal of yesterday was dispensed with till 10th January, 1870.

Senate bill, to expedite the construction of railroads ;

Was postponed until the 12th January, 1870.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
December 15, 1869. }

*Mr. President :*

The House has decided to adjourn at 11 o'clock this morning, and asks the concurrence of the Senate.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Yordy from the committee on enrolled bills, reported sundry bills as correctly enrolled, and one bill incorrectly enrolled.

House bill, making appropriations for the fiscal year, ending 30th September, 1870 ;

Was read twice forthwith.

Mr. Foster moved to strike out "November," and insert "September" in the second paragraph of the "educational department ;"

Which motion was lost.

Said bill was then read a third time and passed—Yeas 25, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Pennington, Richards, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—25.

Mr. Farden voted in the negative—1.

Senate concurred in the decision of the House to adjourn at 11 o'clock, this morning.

Mr. Barr, from the select committee,

Reported favorably to the House bill ;

To confirm the action of the municipal authorities of the city of Mobile, in reference to the Mobile and Alabama Grand Trunk Railroad.

Mr. Bromberg moved to postpone the bill till the 15th January next ;

Which motion was laid on the table.

Mr. Yordy moved to amend as follows :

*Provided*, This act shall ratify only the ordinances and amendments, approved June 25th, 1869, and shall not be so construed as to legalize or ratify the resolution, approved July 9, 1869.

Mr. Farden was granted leave to have the following protest spread on the Journal of the Senate :

*Mr. President:*

I protest against the passage of the bill to be entitled "An act making appropriations for the fiscal year, ending September 30th, 1870 ; for the reason that the bill may, so far as I know, (never having heard the bill read, and that privilege having been refused me), appropriate unlimited sums of money to the Hindoos, Hottentots, and all the barbaric nations of the globe. I have ever been opposed to wild and extravagant appropriations of money by the Legislature.

Respectfully

J. A. FARDEN,  
Senator,

Autauga and Elmore counties.

Pending consideration of Mr. Yordy's amendment,

At 11 o'clock, Mr. President declared the Senate adjourned till 10th January, 1870.

MONDAY, Jan. 10, 1870.

Senate met pursuant to adjournment,  
Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Buckley, Coon, Glass, Hinds, Johnston, Jones, Lentz, McAfee, Mabry, Mahan, Martin, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Whitney, Worthy and Yordy —23.

Journal of December 14th and 15th, 1869, was read and approved.

Leave of absence was granted to Messrs. Miller, Foster, Lambert and Buckley.

Mr. President presented a petition from Collinsville, DeKalb county ;

Which was read and referred to the committee on grievances and disabilities.

Also, a communication from Ezra Cornell of Ithaca, New York, in relation to the Agricultural College Land Scrip ;

Which was read and referred to the committee on education.

Mr. President appointed Mr. John P. Miller to act as Sergeant-at-Arms, temporarily, in place of Mr. William M. Jones.

On motion of Mr. Barr ;

House bill, to confirm the action of the municipal authorities of the city of Mobile, in reference to the Mobile and Alabama Grand Trunk Railroad ;

Was made special order for Thursday next.

Senate bill, to regulate common carriers ;

Was recommitted to a select committee, composed of Messrs. Pennington, Coon, Lentz, Worthy and Jones.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

To allow Archeloos P. Griffin to establish a ferry across Elk river ;

By Mr. Hinds, to expedite the construction of railroads in the State of Alabama ;

By Mr. Whitney, to attach the county of Etowah to the 6th Senatorial district ;

By Mr. Mahan, to make Catharine Marony, wife of Thomas E. Marony, of Baker county, a free dealer ;

By Mr. Jones, to regulate the legal rate of interest from the 11th January, 1861, to the 16th August, 1865 ;

By Mr. Pennington—

Joint resolution in favor of the establishment of a National Postal Telegraph System ;

Which bills and joint resolution were severally read and ordered to a second reading ;

By Mr. Whitney, to amend an act to amend section 1755 of the Revised Code, so as to include Express and Telegraph companies ;

Which bill was read twice forthwith and referred to the Committee on Internal Improvements.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 10, 1870. }

*Mr. President :*

The House has organized and is ready to proceed to business.

Respectfully,

W. B. CLOUD,  
Clerk.

The Secretary of the Senate was then instructed to notify the House, that the Senate was also organized and ready for business.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 10, 1870. }

*Mr. President :*

The house has originated and passed the joint resolution herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.

Said House joint resolution was read and adopted ;



And Messrs. Whitney and Pennington were appointed the Senate Committee.

Mr. Pennington, from said committee, in a short while, reported that the committee had discharged their duty, and that he would communicate to the Senate a message in writing in a half hour.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Yordy, from the Committee on Enrolled Bills, submitted a Report.

Mr. Stow, from the Committee on Finance, reported a substitute for the bill—

To amend the revenue laws as to taxation on railroads ;

Which substitute was adopted, and 150 copies ordered to be printed.

Message from the Governor :

EXECUTIVE DEPARTMENT, }  
Montgomery, January 10, 1870. }

*Gentlemen of the Senate,  
and House of Representatives :*

I deem it a duty to invite your attention to a suit recently instituted in the United States District Court for the Middle District of Alabama, by the Southern Express Company, for the purpose of restraining the collection of the tax assessed upon said company by the laws of this State. The accompanying communication, from the Auditor, will show the summary proceedings which resulted in the granting of an injunction against the proper officers of the State, prohibiting them from collecting the tax referred to. This case is of so much importance that I consider it proper to examine it at some length, in the light of the legal authorities bearing upon it :

The complainant, in this case, is a mere private corporation, created by the State of Georgia ; it is not in any sense a public corporation, although its use may be public and its objects and operations may partake of a public nature.—Angell & Ames on Corporations, 8th edition, §§ 31 and 32, and authorities there cited.

This mere private corporation has no political connection with the government of the United States or of the

State of Alabama; no grant or charter from either of these governments; no contract with either of them, or even with its creator, which is impaired to any extent by the statute law of Alabama, of which it complains. It has not not even a shadow of right, by its agents or otherwise, to carry on any business or do any act within the limits of Alabama, except by the comity of this State.—Ang. & Ames on Corp., § 273. and authorities there cited.

Although this corporation may be deemed and taken to be a citizen of the State which created it, for the purpose of suing and being sued in a proper case, in the courts of the United States, yet it is not a citizen within the meaning of the provision of the United States constitution, which declares that “the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” And it is competent for the State of Alabama to forbid every such corporation from transacting any business within the limits of this State.—Abbott’s Digest of Law of Corporations, pp. 336 and 337, §§ 1 to 9, and p. 56S, §§ 3 to 7, and authorities there cited; *Bank of Augusta vs. Earle*, 13 Peters, 519, 586.

Long ago this corporation, the mere creature of the laws of Georgia, came by its officers or agents within the limits of Alabama and engaged in business, by the comity of this State; and whilst it was in the enjoyment of this comity and of the protection of this State, the General Assembly of Alabama passed an act, which was approved on the 31st day of December, 1868, entitled “An act to establish revenue laws for the State of Alabama,” a part of which is in the following words:

“SEC. 11. *Be it further enacted*, That there shall be and hereby is levied on all property in this State, real and personal, not herein exempt from taxation, an annual tax of three-fourths of one per cent.

SEC. 12. *Be it further enacted*, That taxes shall also be assessed by the assessor in each county on and from the following subjects, and at the following rates, to-wit:

11. On the gross receipts of express and telegraph companies, three-fourths of one per cent.

All agents and managers of express and telegraph companies shall, on or before the 15th day of April in each year, make out, under their oath, a true and full statement of the gross receipts of their respective offices for the preceding year, and deliver the same to the assessor of the county; and

such agents and managers shall pay the tax thereon to the collector, and retain the amount out of any money in their possession belonging to such company : *Provided*, That when any such agent or manager shall fail to make the return required herein, the assessor of the county shall proceed to estimate, upon the best information he can obtain, a probable amount of the receipts of each such office, and add thereto fifty per centum, and return the same to the collector in the same manner as other assessments are returned ; and no property of such company shall be exempt from levy and sale for taxes."

The bill in this case is filed, not to recover any sum of money or any other property of any kind, but to prevent, by injunction, the execution of the provisions of the revenue law above set forth, so far as these provisions relate to the receipts or property of complainant. The bill is filed in the District Court of the United States for the Middle District of Alabama, and virtually asks that Court, or the Judge thereof, "to control the Legislature of (Alabama,) and to restrain the exertion of its physical force," in the vital matter of taxation.—*State of Georgia vs. Stanton*, 6 Wallace, 73, 75.

The bill is filed only against officers of the State, *as such officers*, to-wit: against the State Auditor and two Tax Assessors and one Tax Collector. (These Assessors and this Collector are county as well as State officers, and are often referred to in our laws as county officers.) As to the office of the Auditor, § 94 of the Revised Code of Alabama expressly provides that it "is under the general superintendence of the Governor." And § 120 of the said revenue law provides :

"That the Auditor of State shall, from time to time, prescribe such forms and give such instructions as he may deem necessary to carry into effect the provisions of this act, and decide all questions which may arise as to the true construction of this act, or in relation to the duty of any officer under this act ; and the instructions thus given shall be obeyed by, and the decision thus made shall be binding upon all county and municipal officers."

Several allegations of the bill amount to nothing more than allegations of the opinion or belief or conclusion of the complainant, as to what is the meaning or import of the Constitution of this State and of the United States, and of the above mentioned revenue law, in so far as complainant

supposes them to relate to the present case. But admitting *every fact* which is alleged as *matter of fact*, to be true as stated in the bill, the law of the land deduces from those facts no other conclusion than that the gross receipts and property of the complainant, which are embraced by the provisions of said revenue law, are clearly within the sphere of the taxing power of this State.

A controlling question in this case, is, whether the gross receipts and property of this mere private corporation, created by Georgia, which are embraced by this revenue law of Alabama, are within the sphere of the taxing power of Alabama. If they are within that sphere, it is clear, that the District Court of the United States has no jurisdiction to enjoin the execution of the aforementioned revenue law which embraces them. That court, when invoked by that private corporation, to enjoin the execution of that State law, was required by the law of the land, to treat the legislature of Alabama as having the right to determine what portion of the public burdens the aforementioned receipts and property should bear, and also to treat the determination of that matter by the legislature shown in said State law, as conclusive upon that court.—*McCulloch v. Maryland*, 4 Wheaton, 428; *Cooly on Const. Lim.* 480, 488, 506, 515; *Mooers v. Smedley*, 6 Johns. Ch. R. 28. The single question, whether this State law conflicted with the State Constitution, could not justify that court in taking or exercising such jurisdiction.—*Jackson v. Lamphire*, 3 Peters, 280; *Porter v. Foley*, 24 Howard, 415. That court has no such jurisdiction, where, as here, it is plain that the State law complained of is not in conflict with any part of the Constitution or laws of the United States.—*Commercial Bank of Cincinnati v. Buckingham's Ex'rs*, 5 Howard, 317, 343; *Mills v. St. Clair County*, 8 Howard, 585.

In the case last cited, the following passage occurs in the opinion of the court: "The framers of the Constitution never intended that the legislative and judicial powers of the general government should extend to municipal regulations necessary to the well being and existence of the States."

In *Ableman vs. Booth*, 21 Howard, 516, the Supreme Court of the United States says: "The powers of the general government, and of the State, although both exist and are exercised within the same territorial limits, are yet separate and distinct sovereignties, acting separately and independently of

each other, within their respective spheres." The sphere of action appropriated to the one, is as far beyond the reach of the injunction process of the other, "as if the line of division was traced by landmarks and monuments visible to the eye."

The question, whether the receipts and property of such a corporation as the complainant, within the limits of a State which did not create it, were within the sphere of the taxing power of that State, is answered affirmatively and put at rest by the opinion of the Supreme Court of the United States (delivered by Chief Justice Marshall,) in *Osborn vs. The United States Bank*, 9 Wheaton, 859. From that opinion the following extracts are made :

"The foundation of the argument in favor of the right of a State to tax the bank, is laid in the supposed character of that institution. The argument supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals, having private trade and private profit for its great end and principal object.

"If these premises were true, the conclusion drawn from them would be inevitable. The mere private corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of the State, as any individual would be ; and the casual circumstance of its being employed by the government in the transaction of its fiscal affairs, would no more exempt its private business from the operation of that power, than it would exempt the private business of any individual employed in the same manner. But the premises are not true. The bank is not considered as a private corporation, whose principal object is individual trade and individual profit ; but as a public corporation, created for public and national purposes. That the mere business of banking is, in its own nature, a private business, and may be carried on by individuals or companies having no political connection with the government, is admitted ; but the bank is not such an individual or company. It was not created for its own sake, or for private purposes. It has never been supposed that Congress could create such a corporation. The whole opinion of the court, in the case of *McCulloch vs. The State of Maryland*, is founded on, and sustained by, the idea that the bank is an instrument which is 'necessary and proper for carrying into effect the powers vested in the government of the United States.'"

"It is urged that Congress has not, by this act of incor-

poration, created the faculty of trading in money ; that it had anterior existence, and may be carried on by a private individual, or company, as well as by a corporation. As this profession or business may be taxed, regulated or restrained, when conducted by an individual, it may, likewise, be taxed, regulated or restrained, when conducted by a corporation.

“ The general correctness of these propositions need not be controverted. Their particular application to the question before the court is alone to be considered.

“ We do not maintain that the corporate character of the bank exempts its operations from the action of State authority. If an individual were to be endowed with the same faculties, for the same purposes, he would be equally protected in the exercise of those faculties. The operations of the bank are believed not only to yield the compensation for its services to the government, but to be essential to the performance of those services. Those operations give its value to the currency in which all the transactions of the government are conducted. They are, therefore, inseparably connected with those transactions. They enable the bank to render those services to the nation for which it was created, and are, therefore, of the very essence of its character, as national instruments. The business of the bank constitutes its capacity to perform its functions, as a machine for the money transactions of the government. Its corporate character is merely an incident, which enables it to transact that business more beneficially.”

The power of a State of the Union, to tax property of every kind within its limits, and to tax it according to its own discretion, is unabridged and unimpaired, except by force of some provision contained in its own constitution, or in the constitution or laws of the United States. In other words, there can be no abridgement or impairment of this vital power of a State—this power so obviously essential to its very existence, *without its own consent*. Each State has consented, that the constitution and laws of the United States shall be the supreme law of the land ; and that its own constitution, subject to this supreme law, shall be supreme within its territorial limits. But no State of the Union has consented, that its power to tax any kind of property within its own limits, may be destroyed, abridged, impaired or interfered with by the mere action of a sister State in creating a mere private corporation, or by any course of business, however grand and imposing such private corporation may choose

to adopt for itself. See how Chief Justice Marshall treats this matter in *Osborn* against the United States Bank above referred to. His words are as follows: "Would the people of any one State trust those of another, with a power to control the most insignificant operations of their State government? *We know they would not.*"

In the face of these undeniable truths, supported as they are by these high authorities, this mere private creature of the State of Georgia undertakes to become a creator of jurisdiction for the United States District Court in Alabama. This undertaking is evidenced by the glittering detail found in the bill of complaint, of the vastness and variety of the modes which this creature has chosen for itself in the pursuit of its own private ends. This bill informs the court that this private corporation, by its own choice, in the pursuit of its private ends, has become extensively engaged "in the transportation of goods and property of merchants and others engaged in commercial business between the several States of the American Union, and also the transportation of goods and property imported from foreign countries and exported to them;" \* \* And "that a large amount of goods and property is so transported by orator in manner as aforesaid, to this extent, that it has become one of the chief agents for conducting commercial intercourse between the States of this Federal Union, and in that capacity is employed by a large part of the merchants and commercial men in what are termed the Southern States of the Union;" \* \* And "that the Southern Express Company is employed, under contract with the government of the United States, in connection with the Adams Express Company, to transmit to and from the Treasury Department at Washington, D. C., and other departments, the public money, and a considerable part of the gross receipts of orator within the State of Alabama are derived from this employment;" \* \* \* And "that a large part of the gross receipts of orator, received within the State of Alabama during the year 1869, were received and are being received in Treasury notes of the United States called legal tender notes, and such treasury notes are used and employed by the government of the United States, in the conduct of the greater part of the fiscal operations of the government within the several States of the Union."

The foregoing extracts from the bill exhibit what are believed to be the most specious of all the pretexts for the claim of complainant to exemption from State taxation, for

its receipts and property within Alabama, or for some part thereof.

Until complainant's bill was filed and the injunction therein prayed for was temporarily granted by the United States District Judge, it was generally deemed to be settled, that the power to regulate commerce between the several States and with foreign nations, was in Congress, and not in the State of Georgia, nor in the line of conduct that a private corporation created by that State might deem it its interest to pursue; that the mere employment by the Treasury Department, or the other departments "at Washington, D. C.," of a mere private corporation created by a State which had chosen to engage in the business of a common carrier for its own private ends, to transmit to and from those departments public money, would not exempt its receipts or property in another State from its power of taxation; and that the mere fact that such a private corporation, created by a State, received legal tender treasury notes of the United States in payment for services rendered by it as a common carrier, from all persons, natural or artificial, including the departments at Washington, would not exempt its receipts or property in any particular State of the Union from the taxing power of that State.—(See *Osborn vs. U. S. Bank*, 9 Wheaton, 559; *Nathan vs. Louisiana*, 8 Howard, 73.)

It is certain, that if the exemption from taxation here claimed by the complainant, has any existence, that exemption has been created, not by the constitution or laws of the United States, nor by the Constitution or laws of this State, but merely by its Georgia charter and the line of conduct it elected to pursue in advancement of its mere private interests. And surely it will not be seriously urged that the State of Georgia and its mere private creature have the right to create any such exemption from taxation in Alabama and the other States of the Union.

In the *U. S. Bank vs. Deveaux*, 5 Cranch, 85, Chief Justice Marshall, delivering the opinion of the Court, said: "The judicial power of the United States, as defined in the Constitution, is dependent, 1st. On the *nature of the case*; and, 2d. On the charter of the parties.

By the judicial act, the jurisdiction of the Circuit Courts is extended to cases where the constitutional right to plead and be impleaded in the courts of the Union, depends on the character of the parties; but where the right depends on *the nature of the case*, the Circuit Courts derive no jurisdiction



from that act, except in the single case of a controversy between citizens of the same State claiming lands under grants from different States.”

Even if every objection to the jurisdiction of the District Court to enjoin the execution of the State law, which may be founded on the character of the parties, could be surmounted; yet “*the nature of the case*” disclosed by the bill, presents an objection which is fatal to the jurisdiction which has been invoked and exercised. No such jurisdiction, in any *such case as is here presented*, can be derived from the Constitution or laws of the United States; and the District Court has no jurisdiction except such as is derived from that Constitution and those laws.—Noonan *vs.* Lee, 2 Black, 509; Conklin’s Treatise, 4th Edition, 121, 125, 161, 162; Hodson *vs.* Bowerbank, 5 Cranch, 303.

The nature of the cases in which the Supreme Court of the United States has sanctioned the injunction of the execution of State laws by the courts of the United States, was essentially different from the nature of the case here presented by complainant. Those cases arose under the Constitution or laws of the United States. In those cases, the right asserted was shown to be a right derived from the just construction of that provision of the Constitution which prohibits any State from passing any law impairing the obligation of contracts, or of some other provision of that Constitution, or of some provision of some law of the United States. Admitting that such rights are properly enforceable by injunction issued from the United States Courts, yet, it is plain, that no such right is here shown on the part of complainant, and that there is no ground for the jurisdiction which has been claimed and exercised in this case.

With this statement of the case, I submit the whole subject to your consideration, hoping that such action will be taken as will vindicate the dignity, the right, and the just authority of the State.

WILLIAM H. SMITH.

STATE OF ALABAMA,  
AUDITOR'S OFFICE.  
Montgomery, December 20, 1869. }

*To his Excellency Wm. H. Smith,*

*Governor of Alabama :*

SIR—I have the honor herewith to transmit copies of documents purporting to be proceedings in the United States District Court for the “Middle District of Alabama.”

The first “notice” of any proceedings in the Court referred to, received at this office, is marked “A,” signed by one John T. Morgan. This was received but one hour and a half before the time mentioned in the letter when the case would be heard.

Being unable to notify the Attorney-General in time, it was deemed that the State would not be prejudiced by an “*ex parte*” hearing before the court until his presence could be secured, yet I was verbally notified by a citizen, two hours thereafter, that the case was actually being heard before the Hon. Richard Busteed, Judge, &c.

I immediately repaired to the court room, and found that the court was engaged in the discussion of the case, and an argument was being read by the before mentioned John T. Morgan.

The court recognized me as the Auditor of the State, and upon learning that the Attorney-General had not been notified, proceedings were suspended until 10 o'clock, A. M., next day. After a hearing, on the day following, in which the State was allowed scarcely five minutes to show why an injunction should *not* issue, the court was adjourned, after an announcement from the Judge that “a temporary injunction would issue upon filing a bond satisfactory to the Auditor.”

Nothing has since transpired in the case, except that this day I have been served with papers marked “B” and “C.” I have not been called upon to approve any bond, nor do I know whether any bond has been filed.

The whole proceeding is of such anomalous character I am constrained to report the same to you, so that upon full examination of the papers referred to, you can, as Governor of the State, take such action, or issue such orders as may be in your judgment just and proper.

I will say, for your information, that I am not, nor have I assumed to be, a collector of taxes; that I have not, nor do I propose to seize or distrain any property of the Express Company named in the suit of injunction. I have not, by any instructions or rulings from this office, in any way interfered with the execution of the revenue laws in relation to Express Companies in the State. The several agents of the company having refused to make return as required by law, the County Assessor was compelled to proceed under par. 11, § 12, Revenue Laws, and add penalty for non-compliance with the law.

In no sense whatever is the Auditor responsible for the lapse of the company, and this office will await instructions from your Excellency, which, it is hoped, will be direct and positive, as the instructions you may be pleased to give will be complied with.

I am, very respectfully, your ob't servant,

R. M. REYNOLDS,  
*Auditor.*

---

A

[COPY.]

MONTGOMERY, December 16, 1869.

Hon. R. M. REYNOLDS,

*Auditor of the State of Alabama:*

DEAR SIR—The Southern Express Company will move before Hon. Richard Busteed, Judge of the United States District Court, sitting in equity for the Middle District of Alabama, at 11 A. M., of this day, at the court room of the District Court, for an injunction directed to you as Auditor of the State of Alabama, and to the several Tax Assessors and Collectors in this State, to restrain you and them from assessing and collecting a tax for the year 1869, on the gross receipts of said company within the State of Alabama, and for other purposes.

Said motion is predicated on a bill filed in equity in said District Court.

I am required by Judge Busteed to give you notice of this motion.

Very respectfully, &c.,

JOHN T. MORGAN,  
*Solicitor for Complainant.*

## B

UNITED STATES OF AMERICA,  
 DISTRICT COURT OF THE UNITED STATES,  
 For the Middle District of Alabama. } *In Equity.*

*The President of the United States to the Marshal of said District—Greeting :*

You are hereby commanded to make known to R. M. Reynolds, Auditor State of Alabama, Jonathan P. May, Tax Assessor of Mobile county, Alabama, William Falconer, Tax Collector, and J. V. D. McDuffie, Tax Assessor of Montgomery county, Alabama, that under and by virtue of an order made by the Hon. Richard Busteed, Judge of the District Court aforesaid, on the application of the plaintiff on a bill filed by him in said court on the equity side thereof, wherein the Southern Express Company is plaintiff, and said R. M. Reynolds, Jonathan P. May, William Falconer, J. V. D. McDuffie are defendant, they, all and singular, and all and singular the Tax Assessors and Tax Collectors of the State of Alabama, are enjoined and restrained, until the further order of said court, from proceeding to assess and collect any tax from the complainant upon its gross receipts for the year 1869, under the act of the Legislature of the State of Alabama, entitled "An act to establish Revenue Laws for the State of Alabama," approved December 31st, 1868; and it is further enjoined upon said R. M. Reynolds, Auditor aforesaid, that he direct all and singular the Tax Assessors and Tax Collectors of the State of Alabama, to desist from the collection of said tax on gross receipts until the further order of this court in that behalf.

Herein fail not, and have this writ, with your endorsement thereon, of how you have executed the same, at the next term of said District Court, to be held on the first Monday of February, A. D. 1870.

Witness—Hon. Richard Busteed, Judge of the Court aforesaid, this fourth Monday of November, in the year of our Lord, one thousand eight hundred sixty-nine.

Issued the 17th day of December, in the year of our Lord one thousand eight hundred and sixty-nine.

Attest :

E. C. V. BLAKE,  
*Clerk U. S. District Court, Mid. Dist. Ala.*

C

[COPY.]

UNITED STATES OF AMERICA,	} <i>On the Equity</i>
DISTRICT COURT OF THE UNITED STATES,	
For the Middle District of Alabama.	
	<i>side of said</i>
	<i>Court.</i>

*The President of the United States*

*to the Marshal of said District*—GREETING :

You are hereby commanded to summon R. M. Reynolds, Auditor State of Alabama, Jonathan P. May, Tax Assessor Mobile county, J. V. D. McDuffie, Tax Assessor Montgomery county, William Falconer, Tax Collector Montgomery county, who are citizens of the State of Alabama, to appear on or before Monday, the 7th day of February next, to answer a certain bill in equity, filed in our said Court of Equity, against said R. M. Reynolds *et al.*, by the Southern Express Company, a corporation under the laws of the State of Georgia, and a citizen of the State of Georgia, to a copy of which said bill they are entitled, on application for the same to the Clerk of the said Court.

Herein fail not, and have you then and there this writ.

Witness—Hon. Richard Busteed, Judge of the Court aforesaid, this fourth Monday of November, in the year of our Lord, one thousand eight hundred and sixty-nine

Issued—The 17th day of December, in the year of our Lord, one thousand eight hundred and sixty-nine.

Attest :

E. C. V. BLAKE,

*Clerk U. S. District Court, Middle District of Alabama.*

Each of said respondents is hereby notified to enter an appearance in said suit, in the Clerk's office, on or before the rule day next ensuing, to wit: the 7th day of February, 1870, otherwise the bill may be taken *pro confesso*.

E. C. V. BLAKE,

*Clerk.*

Which was read, laid on the table, 200 copies ordered to be printed, and the message referred to a select committee, composed of Messrs. Pennington, Worthy, Whitney, Barr and Mabry.

Mr. Mabry gave notice that he would make a motion to

suspend the constitutional rule to suspend the call of the districts ;

Which lies over until to-morrow.

Senate then adjourned till 11 o'clock to-morrow morning.

---

TUESDAY, January 11, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney, Worthy, Wyman and Yordy—28.

Journal of yesterday was read and approved.

Mr. Mabry's motion to suspend the call of the districts for this day, was taken up and carried.

#### REPORTS' FROM STANDING COMMITTEES.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably, with amendments, to the bill, to repeal a proviso of section 3 of an act to adopt the law in relation to the incorporation of the city of Tuscumbia, approved December 23, 1868 ;

Which amendment was adopted and the bill ordered to a third reading.

Also, from the same committee, reported favorably to the bill, to locate the county site of Russell county ;

Said bill was ordered to a third reading.

Also, from the same committee, reported favorably to the bill, to repeal an act as to fees of justices of the peace and constables in Demopolis beat, Marengo county ;

Which bill was read a third time forthwith and passed.

Also, from the same committee, reported favorably, with amendments, to the bill, to re-organize the municipal government of the city of Mobile ;

Consideration of which bill and amendments, was postponed until Tuesday next at 12 o'clock, meridian.

Leave of absence to Mr. Bromberg,

Was laid on the table, on motion of Mr. Richards.

Mr. Oliver, from the Committee on Grievances and Disabilities, reported favorably to the bills—

For the relief of Louisiana Lester, of Russell county ;

For the relief of Louisiana Lester, of Russell county ;

For the relief James Bradshaw, of Dale county ;

Which bills were severally ordered to a third reading.

Mr. Wyman, from the Committee on Taxation, reported adversely to the bill,

To amend paragraph 9, section 3, of the revenue laws of Alabama ;

Which report was concurred in.

Also, from the same committee, reported favorably, with amendment, to the bill,

To amend section 11 of an act to establish revenue laws for the State of Alabama ;

Which bill and amendment were laid on the table.

Mr. Sevier, from the Committee on Fees and Salaries, reported adversely to the bill,

To provide for the payment of officers' fees in certain cases ;

Which report was concurred in

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
January 11, 1870. }

*Mr. President :*

The House has originated and passed a bill ;

To authorize an election to be held in Dale county for the permanent location of the county site of said county.

Respectfully,

W. B. CLOUD,  
Clerk.

Said bill was taken up, read three times forthwith and passed.

Mr. Pennington offered the following,

Which was adopted :

*Resolved*, That the committee to whom was referred the special message of the Governor on yesterday, relative to the Southern Express Company, be discharged, with a view to

raise a joint committee of the two Houses, to whom said message shall be referred.

Mr. Pennington also offered the following joint resolution,  
Which was adopted :

*Resolved by the Senate*, (the House of Representatives concurring,) That a joint committee of nine, four to be appointed by the President of the Senate, and five by the Speaker of the House, be raised, to whom shall be referred the special message of His Excellency the Governor, relative to the refusal of the Southern Express Company to pay taxes, with instructions to report by bill or otherwise ;

And Messrs. Pennington, Worthy, Whitney and Barr were appointed the committee on the part of the Senate under said joint resolution.

#### GENERAL ORDERS.

Senate bill, to prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;

Was recommitted to the Judiciary Committee.

Senate bill, to prescribe the form of indictment for wholesale dealing in spirituous, vinous or malt liquors ;

Was read a third time and passed.

Senate bill, to amend section 3706 of the Revised Code ;

Was read a third time and laid on the table.

Senate bills—

To amend section 447 of the Revised Code ;

To amend section 3932 of the Revised Code ;

To amend section 3707 of the Revised Code ;

Were severally read a third time and indefinitely postponed.

Senate then adjourned till 10 o'clock to morrow-morning.

---

WEDNESDAY, Jan. 12, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Bromberg, Glass, Johnston, King, Lambert, Lentz,



McAfee, Mabry, Martin, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow and Yordy—18.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Whitney.

Leave of absence was also granted to Master Eugene Carter, page, on account of sickness.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier, to construe subdivision 10, of section 112, of the revenue laws of Alabama ;

By Mr. Sibley, to repeal section 3538 of the Revised Code ;

To repeal an act to incorporate the North Alabama Manufacturing company ;

For the relief of George N. Calhoun of Madison county ;

By Mr. Mahan, for the relief of D. M. James, surviving partner of Latham James ;

By Mr. Lambert, to authorize Henry P. Smith, administrator, to sell lands at private sale ;

By Mr. Royal, to amend section 3430 of the Revised Code ;

By Mr. Mabry, to incorporate the E. B. Young banking house in the city of Eufaula ;

By Mr. Miller, for the relief of free school scholars and their parents or guardians ;

By Mr. Whitney, to donate to Jackson county the State taxes of said county, for 1870 and 1871, for the purpose of building a court house and jail ;

By Mr. Richards, to authorize Euselius C. Sheffield to settle with his guardian, and to act for himself as if of full age ;

By Mr. Hinds, to pay the officers and employees of the General Assembly during the recess ;

To repeal an act to incorporate the North Alabama manufacturing company ;

Which bills were severally read and ordered to a second reading.

By Mr. Sanford, for the relief of Hampton Graham, late tax collector of the county of Calhoun ;

Which bill was read twice forthwith and referred to the committee on taxation ;

By Mr. Oliver, to amend section 1381 of the Revised Code ;

Which bill was read twice forthwith and referred to the committee on municipal and county organizations.

By Mr. Miller, to expedite the construction of railroads in Alabama ;

Which bill was read twice forthwith and referred to the Committee on internal improvements.

#### REPORTS FROM STANDING COMMITTEES.

Mr. McAfee, from the judiciary committee,  
Reported favorably to the Senate bill :

To amend and repeal subdivision 10, section 750, of the Revised Code ;

Which bill was ordered to a third reading.

Also, from the same committee,

Reported favorably to the House bills :

To ratify, approve and adopt as the law of this State, certain acts of the military authorities of the United States ;

To prevent the sale of spirituous liquors within two miles of the Alabama and Chattanooga Railroad ;

Which bills were ordered to a third reading.

Also, from the same committee,

Reported a substitute for the Senate bill :

To establish a city court at Eufaula.

Mr. Coon moved to print said substitute ;

Which motion, on motion of Mr. Worthy, was laid on the table ;

And the substitute was adopted.

Mr. Coon renewed his motion to print 150 copies ;

Which motion was lost and the bill was then ordered to a third reading.

Also, from the same committee,

Reported adversely, to the Senate bill ;

For the relief of Sol. E. Jordan, sheriff of Randolph county ;

Which report was postponed till Wednesday next.

Also, from the same committee,

Reported adversely, to the House bill :

To amend an act to appoint counsel in certain cases ;

Which report was concurred in.

At 12 o'clock the special order came up, it being the Senate bill,

To expedite the construction of railroads in the State of Alabama ;

Which was under discussion before recess.

Said bill was recommitted to the committee on internal improvements.

Also, the bill of the same title, introduced by Mr. Hinds, on Monday last, was read a second time and referred to the same committee.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
January 13, 1870. }

*Mr. President:*

The House has originated and passed bills entitled as follows—

Defining who shall be competent witnesses ;

Making claims for *ex officio* services of the sheriffs and clerks of the circuit courts of Franklin, Hale, Lowndes and Talladega counties ;

Preferred claims upon the county treasurer of their respective counties ;

Empowering the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of the county.

W. B. CLOUD,

Clerk of the House of Representatives.

Message from the Governor, transmitting a copy of the report of Mr. Thomas Pearsall, commissioner, to survey the Coosa River and the lands adjacent thereto ;

Which report was laid on the table and 500 copies ordered to be printed.

Mr. Coon, from the Committee on Internal Improvements, reported adversely to the Senate bill,

To incorporate the Mobile Bay and Fowl River Canal Company.

Which report was concurred in.

Also, from the same committee, reported favorably, with amendment, to Senate bill,

To further the improvement of the navigation of the Coosa River ;

Which amendment was adopted, the bill, as amended, read a third time and passed—yeas 18, nays 6.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Glass, Hinds, Lambert,

Lentz, Mabry, Mahan, Martin, Oliver, Pennington, Sanford, Sibley, Stow, Worthy, Wyman and Yordy—18.

Those who voted in the negative are—

Messrs. Farden, Johnston, King, McAfee, Royal and Sevier—6.

Also, from the same committee, reported favorably, to Senate bills,

Relative to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company ;

Relative to the place of meeting of the stockholders of the New Orleans, Mobile and Chattanooga Railroad Company ;

Which bills were severally ordered to a third reading.

Mr. Miller, from the Committee on Banks and Insurance, Reported adversely to Senate bill,

To amend the 1st and 16th sections of an act to incorporate the Selma Fire and Marine Insurance Company ;

Which report was made special order for 12 o'clock on Saturday next.

Mr. Worthy, from the select committee on Judicial Districts,

Reported adversely to Senate bill,

To divide the State into four judicial districts, &c. ;

Which report was concurred in.

House bill, to regulate the carriage of passengers on street railroads in the city and county of Mobile ;

Was taken up on its third reading.

Mr. Oliver moved to recommit the bill.

Mr. Whitney called the previous question, which call was sustained ;

Yeas 20, nays 10.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Glass, Johnston, Jones, Lentz, McAfee, Mabry, Mahan, Martin, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Wise, Whitney, Wyman and Yordy—20.

Those who voted in the negative are—

Messrs. Bromberg, Farden, Hinds, King, Lambert, Miller, Morton, Sevier, Stow and Worthy—10.

Bill was then passed—Yeas 25, nays 5.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Glass, Hinds, Jones, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver,

Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney, Wyman and Yordy—25.

Those who voted in the negative are—

Messrs. Farden, Johnston, King, Sevier and Worthy—5.

Messrs. Farden and worthy asked and were granted leave to have their protest spread upon the journal of the Senate.

Mr. Pennington, from the Committee on Federal Relations, reported favorably, with amendment, to Senate joint memorial to Congress for the removal of political disabilities, and joint resolution on the same subject ;

Which amendment was adopted.

Joint memorial and joint resolution were laid on the table, 150 copies ordered to be printed, and made special order for 12 o'clock on Friday next.

Senate adjourned till 10 o'clock to-morrow morning.

THURSDAY, January 13, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Murrah, of the House.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Glass, Johnston, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Whitney, Worthy, Wyman and Yordy—24.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Hinds.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills and memorials were introduced :

By Mr. Sevier, to amend the 1st section of an act to amend the charter of the Opelika and Talladega Railroad Company, approved Nov. 19, 1861 ;

To transfer certain legal documents and papers from the county of Franklin to the county of Colbert ;

By Mr. Sibley, to regulate the collection of tolls in this State ;

By Mr. Whitney, for the relief of S. F. Ryan, a minor ;

By Mr. Yordy, to provide a uniform system of incorporation for the organization of companies for certain purposes in this State ;

To authorize William Lockhart, of Sumter county, to erect a mill dam ;

By Mr. Jones, for the relief of the poor of Marengo county ;

To amend the law in relation to the compromises by executors or administrators, of debts due the estates which they represent ;

To remove the guardianship of Nannie O. Kimbrough and Mary F. Kimbrough, minors, from Wilcox county, to Marengo county ;

To incorporate the town of Linden, in Marengo county ;

Which bills were severally read and ordered to a second reading.

By Mr. Oliver, to remove the disabilities of non-age from Miss Alabama McDaniel and others ;

Which bill was read three times forthwith and passed.

By Mr. Sanford—

A resolution, to fix two days each week for the consideration of House bills ;

Which lies over one day.

By Mr. McAfee—

Memorial in behalf of James Brooks, of Clay county.

By Mr. Worthy—

Memorial of sundry physicians ;

Which memorials were severally referred to the Committee on Grievances and Disabilities.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Lambert from the Committee on Agriculture and Manufactures,

Reported adversely to the Senate bill,

To regulate the enclosure of live stock in the State of Alabama ;

Which report was concurred in ;

Yeas 20, nays 4.

Those who voted in the affirmative are—

Messrs. Bromberg, Glass, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Oliver, Pennington, Richards, Royal,

**Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—20.**

Those who voted in the negative are—

**Messrs. Barr, Farden, Johnston and Jones—4.**

**Mr. McAfee, from the Judiciary Committee,**

**Reported adversely to the Senate bill,**

**For the relief of Hugh Montgomery ;**

**Which report was concurred in.**

**Yeas 16, nays 10.**

Those who voted in the affirmative are—

**Messrs. Bromberg, Jones, Lambert, Lentz, McAfee, Mahan, Miller, Oliver, Richards, Royal, Sanford, Sibley, Stow, Worthy, Wyman and Yordy—16.**

Those who voted in the negative are—

**Messrs. Barr, Glass, Johnston, King, Mabry, Martin, Pennington, Sevier, Wise Whitney—10.**

**Message from the Governor, announcing his approval of Senate bill—**

**For the relief of W. C. Thorn, of Franklin county.**

**Mr. McAfee from the Judiciary Committee,**

**Reported favorably, with amendment to Senate bill—**

**To prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;**

**Which amendment was adopted, and the bill ordered to a third reading.**

**Messages from the House.**

HOUSE OF REPRESENTATIVES, }  
January 13th, 1870. }

***Mr. President :***

**The House has originated and passed bills, as follows :**

**To repeal section 4062 of the Revised Code ;**

**To amend section 2286 of the Revised Code ;**

**To regulate the sale of the property of insolvent estates.**

**Respectfully,**

**W. B. CLOUD,**  
Clerk.

**Mr. McAfee, from the Judiciary Committee,**

**Reported favorably to Senate bill—**

**To authorize Julia Knighton, of Cleburne county, to sell certain lands ;**

**Said bill was then ordered to a third reading.**

**Also, from the same committee,**

**Reported favorably to the Senate bill,**

**To amend section 2276 of the Revised Code.**

**Mr. Worthy moved to amend as follows :**

*“And provided further, That physicians’ bills for services rendered shall be on the same footing as agricultural laborers;”*

Which bill and amendment were laid on the table ;

Yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Miller, Oliver, Richards, Sanford Sevier, Wise and Worthy—14.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Farden, Glass, Martin, Pennington, Royal, Sibley, Stow, Whitney, Wyman and Yordy—12.

Also, from the same committee ;

Reported favorably to Senate bill—

To amend the law of appeals ;

Which bill was ordered to a third reading.

At 12 o’clock, the special order came up, it being the House bill—

To confirm the action of the municipal authorities of the city of Mobile, in reference to the Mobile and Alabama Grand Trunk Railroad ;

The question being on Mr. Yordy’s amendment ;

Which was laid on the table ;

Mr. Bromberg moved to amend, as follows :

*Provided, That the corporate authorities of Mobile shall provide for submitting the question involved in this bill, to the voters of Mobile for ratification ;*

Which amendment was laid on the table ;

Yeas 16, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Farden, Glass, Johnston, Jones, King, Lentz, Mabry, Martin, Miller, Morton, Pennington, Richards, Wise, Whitney and Worthy—16.

Those who voted in the negative are—Messrs. Bromberg, Coon, Lambert, McAfee, Mahan, Oliver, Royal, Sanford, Sevier, Sibley, Stow, Wyman and Yordy—13.

Bill was ordered to a third reading.

On motion of Mr. Whitney, said bill was made special order for 11 o’clock to-morrow morning.



## PROTEST.

*Mr. President :*

I hereby enter my protest against the passage of the bill, "to regulate the carriage of passengers on the street railroad cars in the city of Mobile," for the following reasons :

First. The call for the "previous question" was unfair and illiberal, when it was known, that other members desired to speak on the bill. I contend that there is no printed or standing rule in this body, whereby the "previous question" can be ordered, therefore, if ordered, it should have been done under the rules governing the House of Representatives, (See Rule 22), which declares, that, when the previous question is "carried by a majority of four-fifths, shall preclude all debate, and in all cases, (unless otherwise ordered by the House), the amendment or amendments, cut off by the previous question, shall be placed on the Journal of the House without motion." The amendments of the Senator from Pike and myself were ruled out of order by the President, without submission to the Senate.

Second. Section 15 of Article 4, of the Constitution, declares that "no bill shall have the force of law until on three several days it be read in each House, and free discussion allowed thereon, &c.," which was not done in the passage of the aforementioned bill.

Third. The bill, as it passed, is deficient, and will be ineffective and inoperative, there being no means prescribed for the punishment of offenders, except by fine, which, in almost every instance, cannot be collected, and there should have been a provision imprisoning the offender in default of the payment of the fine.

Fourth. I protest that the hasty and illiberal action forced good and true members of the Republican party to vote against that bill, who would have voted for it, or a similar bill, if made effective, and whose fealty to the party has been as earnest and as unswerving as the most earnest advocate of the bill.

Having been denied the right of being heard through my amendment, I am forced to take this, the only constitutional

means, to place myself right on the records of the Senate, and before my constituents and the people of the State.

With great respect,

Your obedient servant,

J. A. FARDEN,

Senator, Autauga and Elmore counties.

I concur in the above protest.

PHILLIP KING,

Senator, Henry Dale and Coffee counties.

BURRELL JOHNSTON,

Senator, Hale county.

#### PROTEST.

*Mr. President and Senators :*

I hereby enter my protest against the passage of the bill, or rather the way and means of the passage of the bill, entitled an act to regulate the carriage of the passengers on the street railroad cars in the city of Mobile, for the following reasons: That expression of sentiment upon the bill in question was illiberally and unconstitutionally cut off by a call for the previous question, full and free discussion thereon not being had, as the constitution provides; several members not having spoken on the bill at all, who desired to, nor had they had an opportunity to, whilst others had spoken twice; I, therefore, incensed under such unfair and forcible circumstances, voted against the bill, as did other good, true and undoubted Republicans.

DANIEL V. SEVIER,

Senator,

Lawrence and Franklin counties.

Mr. McAfee, from the the judiciary committee,

Reported adversely to the Senate bill,

To amend "An act to empower the Governor to appoint notaries public," approved August 11, 1868.

Pending consideration of said report.

Senate then adjourned till 10 o'clock to-morrow morning.

FRIDAY, January 14, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—30.

Journal of yesterday was read and approved.

Mr. Sanford's resolution setting apart Tuesday and Saturday of each week, for the consideration of House bills;

Was taken up and adopted.

Before 11 o'clock, Mr. Oliver gave notice that he would move to reconsider the vote by which the Senate concurred in the adverse report to the bill;

For the relief of Hugh Montgomery.

CALL OF THE DISTRICTS.

On the call of the districts, bills, &c., were introduced.

By Mr. Sevier, to attach the county of Colbert to the Northern chancery division, to be known as the 12th district of said division;

By Mr. Hinds, for the relief of J. B. Billingsley of Blount county;

By Mr. Pennington, to make Mrs. Sidney Jones of Lee county, a free dealer;

By Mr. Stow, to amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction;

By Mr. Yordy, to define the corporate limits of Livingston, in Sumter county;

Which bills were severally read and ordered to a second reading.

By Mr. Bromberg, to extend the provisions of section 3736 of the Revised Code;

Which bill was read twice forthwith and referred to the judiciary committee.

By Mr. Coon, preamble and resolution as follows:

*Whereas*, it is well known to many members of this body, that a large number of the good people of this State have been murdered during the past year, in the most atrocious and barbarous manner, and

*Whereas*, complaints are being made almost daily to members of this Legislature, that the laws of the State are not properly enforced in many portions of the same, therefore

*Resolved*, That the Governor of the State is requested to inform the Senate in writing, as to the truthfulness of these reports.

Which was read, and pending their consideration, at 11 o'clock the special order for that hour came up, it being

House bill, to confirm the action of the municipal authorities of the city of Mobile, in reference to the Mobile and Alabama Grand Trunk Railroad;

Which was considered till 12 o'clock, when the special order for that hour came up, it being

Joint memorial for the removal of political disabilities;

Which last special order was postponed till 1½ o'clock to-day, and afterwards made special order for 11 o'clock to-morrow.

Mr. Whitney called the previous question on the Mobile and Alabama Grand Trunk Railroad bill;

Which was sustained—Yeas 16, nays 13.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, Johnston, Jones, Mabry, Mahan, Martin, Morton, Pennington, Richards, Wise, Whitney and Worthy—16.

Those who voted in the negative are—

Messrs. Bromberg, King, Lambert, Lentz, McAfee, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Wyman and Yordy—13.

Mr. President decided that it required a two-thirds majority under the constitution of the State, to pass said bill.

Mr. Whitney appealed from said decision, and the chair was not sustained—Yeas 16, nays 15.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Hinds, Lambert, Lentz, McAfee, Mahan, Miller, Oliver, Sanford, Sevier, Sibley, Wyman and Yordy—14.

Those who voted in the negative are—

Messrs. Barr, Farden, Glass, Johnston, Jones, King, Mabry, Martin, Morton, Pennington, Richards, Royal, Wise, Whitney and Worthy—15.

And the bill was read a third time and passed—Yeas 16, nays 13.

Those who voted in the affirmative are—

Messrs. Barr, Farden, Glass, Johnston, Jones, King, Mabry, Martin, Morton, Pennington, Richards, Royal, Wise, Whitney and Worthy—16.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Lambert; Lentz, McAfee, Mahan, Miller, Oliver, Sanford, Sevier, Sibley, Wyman and Yordy—13.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 14, 1870. }

*Mr. President :*

The House has originated and passed bills, as follows :

To authorize Mary E. Westbrook, guardian of Wm. S. Brassfield, minor, to move from Greene county to Marengo county ;

To repeal a certain act therein named ;

To make Randolph Speddin a citizen of Hale county ;

To authorize Louis Gunboat, a citizen of Dallas county, to practice medicine and charge for his services ;

To change the term of the chancery court for the tenth district (composed of the county of DeKalb) of the northern chancery division of Alabama ;

To amend the charter of the city of Demopolis ;

To amend section 3439 of the Revised Code of Alabama ;

To repeal an act entitled “ An act to prohibit the sale of spirituous liquors within five miles of Harmony church, in Shelby county ;

To establish a medical board in Lawrence county ;

To regulate county claims ;

To require the filing and record of claims due from and owing by the county of Shelby ;

To protect ministers and preachers of the Gospel in the State of Alabama ;

To provide for the holding of a chancery court for the county of Etowah ;

Also, have originated and adopted a joint resolution for the appointing a joint committee to visit the insane asylum of this State ;

Committee on the part of the House—Messrs. Kendrick, Bell and Jones ;

And have adopted Senate joint resolution for the appointment of a joint committee to whom should be referred the special message of the Governor ;

Committee on part of the House—Messrs. McKinstry, Hardy, Fister, Reeves and Dereen.

Respectfully,

W. B. CLOUD,  
Clerk.

House joint resolution for a joint committee to visit the insane asylum ;

Was taken up and concurred in.

Messrs. Richards and Mahan were appointed the committee on the part of the Senate.

Messrs. Sibley, Lambert, Sevier, Yordy, Bromberg, McAfee, Oliver and Sanford asked and were granted leave to have their protests spread on the journal of the Senate against the passage of the Mobile and Alabama Grand Trunk Railroad bill.

Mr. Worthy submitted the following report :

*Mr. President :*

I am instructed by the joint committee of the two Houses on the penitentiary, for leave to send for men and papers, to enable them to prosecute their investigations into the police regulations of said institution.

A. N. WORTHY,  
Chairman.

Senate then adjourned till 11 o'clock Monday morning.

SATURDAY, January 15, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Richards, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Glass, Hinds, Johnston, King, Lambert, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—26.

Journal of yesterday was read, corrected and approved.

## PROTESTS :

The following protests were presented, read and ordered to be spread on the journal :

I respectfully protest against the passage of the House bill entitled "an act to confirm the action of the municipal authorities of the city of Mobile in relation to the Mobile and Alabama Grand Trunk Railroad," because—

It violates section 36, article 4, and section 16, article 14, of the Constitution, in that it confers, in fact, upon the municipal authorities of the city of Mobile an indefinite power of taxation and of contracting debt ; and because—

The charter of the city of Mobile confers upon its municipal authorities no power to loan the bonds of the city, or to make donations of its moneys to private corporations, as contemplated in the ordinance to be made legal by this act ; because—

No legal contract, for the reason above, existed between the city of Mobile and the said Grand Trunk Railroad Company ; and for the further reasons that the commissioners representing the city of Mobile on the part of the Board of Common Council, officially withdrew their signatures from the contract, with the consent of the Council, before the contract was completed ; and because—

This Act attempts to impose upon the city of Mobile an ordinance which, by the solemn and official declaration of one branch of the city government, failed to secure the requisite vote for its passage, as required by the city charter ; and because—

This Act violates republican principles, by imposing upon the people of Mobile a heavy burden of debt, whilst denying them any opportunity to express their will upon it ; and because—

The present boards, from whom emanated the action attempted to be made legal by this act, are not the elected representatives of the people, but creatures of the legislature, holding for an indefinite term and having no direct responsibility to the people of Mobile, and were only installed to keep the *necessary* machinery of government in motion, until the people should be restored to their rights ; and lastly—

I protest against the recording of this act on the Journals of this Senate as passed ; the same having been approved by

only sixteen members, on a call for ayes and nays, or less than two-thirds of the members of this house, as required by sections 32 and 33, of article 4. of State Constitution.

FRANK G. BROMBERG.

*To the Hon. Senate of the General Assembly of Alabama :*

The undersigned Senators of this honorable body respectfully submit their objection and protest, against the passage of a House bill, entitled "An act to confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile and Alabama Grand Trunk Railroad," and ask that they may be spread upon the Journal of the Senate as follows, for that the act is unconstitutional :

1st. The municipal authority of Mobile agreed to loan \$1,500,000.00, (fifteen hundred thousand dollars,) in bonds of \$1,000 each, to the Mobile and Grand Trunk Railroad, and by resolution *did grant the authority to do so*,—"see *Ordinance of the Municipal Corporation of the city of Mobile, in pamphlet form, section 1, pages 36 and 37,*"—and did enter into the *railroad business* outside said city corporation, on said railroad—(see ordinances, *supra*, section 5, page 39)—by the appointment of three Directors and their Mayor, and the Presidents of the two municipal boards of said corporation to represent the railroad interest of said city in said railroad ; all of which is *unconstitutional and void*. "The General Assembly shall not borrow, or raise money on the credit of this State, except for purposes of military defense against actual or threatened invasion, rebellion or insurrection, without the concurrence of two-thirds of the members of each House ; nor shall the debts or liabilities of any corporation, person, or persons, or other States, be guaranteed ; nor any money credit, or other thing, be loaned or given away, except by a like concurrence of each house ; and the votes shall be taken by the yeas and nays, and be entered on the Journals."—Art. 4th, § 32, Con. Ala.

The corporation of Mobile, the creature of the State, cannot legally raise and execute a power or do anything which the State cannot do.

The Legislature, in passing the bill above mentioned, passed it by a bare majority of three (3) votes, thus failing to pass it by a two-thirds majority, as required by the Constitution under any circumstances.

"The branch cannot rise higher than the source whence it flows."



The State shall not engage in works of internal improvement; but its credit in aid of such may be pledged by the General Assembly on *undoubted security*, by a vote of *two-thirds* of each House of the General Assembly.—4th art., § 33, Cons. Ala.

The State alone, under these restrictions and limitations, may do these things, but a municipal incorporation cannot, and if it could, it would certainly have to be invested with a direct statutory power; but we hold, that to raise and execute such a power on the part of a municipal corporation, is wholly and totally without the scope of the powers and purposes of such corporation, and entirely foreign from all the purposes of a municipal corporation, as much so as to establish for city purposes a line of packets for plying between New Foundland and Calcutta, or to engage in the “development of the mineral resources of Alabama,” outside its city charter, and corporation limits.

The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, nor to levy a tax on real and personal property to a greater extent than two per centum of the assessed value of such property.—4th art., § 36, Cons. Ala.

The aforesaid act is not only contrary to the general laws of the State, but having been passed as it was, with a bare majority vote, is most clearly against the organic laws of the State. *Cons., supra.*

With the indebtedness as represented to the Senate in discussion next preceding the passage of said Act of the city of Mobile, with this fifteen hundred thousand dollar debt amounting (seemingly, apparently correct.) to not probably less than five or six millions dollars; the annual interest thereon, would largely exceed two per centum on the taxable property of Mobile, which would under said law be obnoxious to art. 4th, § 36, Cons., *supra*; and, therefore, unconstitutional.

The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given or lent to any banking company, association, or incorporation, except for the purposes of expediting the construction of railroads, or works of internal improvement, within this State; and the credit of the State shall in no case be given or lent, without the approval of two-thirds of both houses of the General Assembly. Art 14, § 13, Cons. Ala.

Now, the State under this last authority, can only give or lend her credit. How can a corporation do more than the

power which created it; but a municipal corporation is not embraced in this section, and if it was the act conferring the power to make railroads would have to be conferred by an act passed by a two-thirds majority, which was not the case in this act, and, therefore, on this hypothesis, unconstitutional. But in the case of the city of Mobile, the credit is neither given nor loaned; the bonds are made and executed by the city of Mobile hereof, and for this act there is no warrant of authority in the constitution of Alabama whatever; it is an act, simply void, unauthorized, and unprotected by the constitution, and without the scope, purposes and ends, for which municipal government is designed.

But again, the interest of said one and a half million dollars for three years, amounting to three hundred and sixty thousand dollars, now given to said railroad, without any obligation to repay it by said road, which is palpably against the constitution.—See ordinances of city of Mobile, last paragraph, sec. 1, p. 37, and details thereof; sec. 5, p. 39; also, 4 art., sec. 32; art. 13. sec. 13–16; art. 4, sec. 36.

No security has been given, as this General Assembly is advised, by said railroad to said city, for the ultimate payment of said bonds, much less “undoubted security,” and if the bonds run 30 years, as we are informed they do, the security will be then, and is now, worthless, as the road will be worn out by that time, even if the said corporation has a lien on the road for the ultimate redemption of said bonds, and of this fact, the Senate has not been advised.

Respectfully submitted.

GREEN T. McAFEE,  
of 10th district.

THOMAS LAMBERT,  
of 12th district.

J. A. YORDY,  
of 25th district.

Mr. Sibley presented a protest against the passage of the same bill signed by himself, with protests attached, by Messrs. Sanford and Sevier;

Which was objected to as to being spread upon the journal, and it was withdrawn for correction.

At 12 o'clock, the special order came up, it being the adverse report to Senate bill,

To amend the 1st and 16th sections of an act to incorporate the Selma Fire and Marine Insurance Company;

Said adverse report was not concurred in, and the bill was read a third time forthwith and passed.

Joint memorial to Congress for the removal of political disabilities, was postponed and made special order for 12 o'clock on Monday next.

House bills—

To regulate the time of holding the chancery courts in the 4th district of the northern chancery division ;

To authorize G. M. Hewitt to sell the lands of estate of C. H. Perkins at private sale without an order of court ;

To prevent the sale of spirituous liquors within two miles of the Alabama and Chattanooga Railroad ;

To ratify, approve and adopt as the law of this State, certain acts of the military authorities of the United States ;

Were severally read a third time and passed.

House bill, to amend section 2127 of the Revised Code ;

Was recommitted to the Judiciary Committee.

House bills—

To regulate the time of holding the courts in the 4th judicial circuit ;

For the relief of Andrew D. McComb, of Randolph county ;

Were severally read a second time and passed.

House bills—

To make an appropriation to pay for a safe in the State treasurer's office ;

For the relief of the heirs of Thomas J. Fry, deceased ;

To repeal an act to authorize the formation of boards of trade in the several cities of this State, approved November 28, 1868 ;

Were severally read a second time and referred to the Committee on Finance.

House bills—

To regulate the pay of State witnesses in Montgomery county ;

To provide for the revising, digestion and promulgation of the statutes of this State ;

To relieve disabilities from persons against whom a divorce from the bonds of matrimony has been decreed ;

To authorize executors and administrators of insolvent estates to sell at public outcry all the claims due said estates ;

To legalize the marriage ceremony between S. A. Thoruton and Martha F. B. Thornton, of Etowah county ;

Regulating sales of land sold by or under any process from any court, authorized by law, to order or decree sales, or under any mortgage or deed of trust ;

To impose the penalty of perjury, for falsely, wilfully and maliciously taking the oath of office in this State ;

To authorize executors and administrators to sell at public outcry promissory notes, accounts, and other claims due estates of decedents in certain cases ;

To amend subdivision 5, of section 2244, of the Revised Code ;

For the relief of free dealers ;

Were severally read a second time and referred to the Judiciary Committee.

House bill, to authorize the commissioners court of Sumter county to levy a special tax for working the roads ;

Was read a second time and referred to the Committee on Taxation.

House bills—

To incorporate Melbourne Mills ;

To amend an act to repeal an ordinance to abolish the new county of Baine ;

To repeal an act to declare Joseph Harris a liner between the counties of Chambers and Lee ;

To make Wiley Dixon, a liner, a citizen of Covington county ;

To repeal an act to change the county lines between the counties of Chambers and Lee ;

Were severally read a second time and referred to the Committee on Municipal and County Organizations.

House bill, to change the apportioning of hands on roads in Tallapoosa county ;

Was read a second time and referred to the Committee on Roads and Public Highways.

House bills—

To repeal a special act to increase the fees of jurors and civil officers in Covington and Coosa counties ;

To declare William Russell a citizen of Coffee county ;

For the relief of Laura E. Lanier, of Pickens county ;

To provide for the payment of the bonds of the town of Troy by the real estate owners of said town ;

Were severally read a second time and ordered to a third reading.

House bill, explanatory of an act for the relief of the poor of the State of Alabama ;

Was read a second time and referred to the Committee on Poor Laws and Charitable Institutions.

House bills—

To change the name of Alfred Buckner, of Elmore county, to Alfred Neely ;

To repeal section 4198 of the Revised Code ;

Were severally read a second time and laid on the table.

Leave of absence was granted to Mr. Bromberg.

Senate bill, to amend an act to establish revenue laws for the State of Alabama ;

Was made special order for 11 o'clock on Monday next.

Message from the House.

HOUSE OF REPRESENTATIVES, }  
January 15, 1870. }

*Mr. President :*

The House has passed the following Senate bills :

To annex the county of Sanford to the third judicial circuit, and to fix the times to hold the circuit courts in certain counties in said judicial circuit ;"

To provide the officers of public instruction a room in the court-house for the transaction of their official business ;

For the relief of John S. Baugh ;

For the relief of John B. Boddie, of Marengo county ;

To authorize the administrator of the estate of Gottlieb Breitling, deceased, to compromise debts due said estate ;

To establish the city court of Huntsville ;

To incorporate the town of Scottsboro', in the county of Jackson ;

For the relief of the poor of Coosa county ;

For the relief of Wm. G. Garrett, of Talladega county ;

And have originated and passed a bill,

To amend an act entitled " An act to provide for the removal of the county seat of Marengo county, Alabama, from Demopolis to Linden, in said county," approved December 4, 1869 ;

And have originated and adopted a joint resolution, as herewith transmitted.

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock Monday morning.

MONDAY, Jan. 17, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lambert of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—29.

Journal of Saturday was read, corrected and approved.

Mr Sibley presented the following protest, which was read and ordered to be spread on the Journal :

PROTEST

Of I. D. Sibley, Senator from Madison, against the action of the Senate in passing the Mobile and Alabama Grand Trunk Railroad bill.

*Mr. President and Gentlemen of the Senate :*

I beg leave to enter my protest upon the journal of the Senate with regard to its action on the House bill entitled "An act to confirm the action of the municipal authorities of the city of Mobile, in reference to the Mobile and Alabama Grand Trunk Railroad," for the following reasons, viz : The action of the corporation of Mobile with reference to railroad building is of doubtful constitutionality, under our present constitution. That the State has not the right to engage as principal in railroad building, is settled by paragraph 33, article 4 of the constitution ; that it has not the right to confer a power or a privilege that it does not itself possess, is too plain to require elucidation ; hence it is, that the constitution allows no charter of incorporation to be granted by the General Assembly, except for municipal purposes ; therefore, in the opinion of your subscriber, your bill is met with constitutional objections. But grant, for the sake of the argument, that no constitutional objection existed, what does the bill require ? To "confirm the action of the municipal authorities of Mobile." This is an admission that the action

of the authorities cited was not valid, else it would not require confirmation by the General Assembly. This is retroactive, and on no principle of construction can it be regarded as legal ; but admit that no legal objection exists, the question occurs on the character of the action of the municipal authorities, the confirmation of which is sought. It was proved satisfactory to your subscriber, that the action of the municipal authorities was not in accordance with the provisions of the charter of incorporation. It was proved to my satisfaction that on the final passage of the ordinance granting the bonds of the city of Mobile to the amount of \$1,500,000, which action the bill proposes to make valid, received but three votes in the Board of Aldermen, two voting against it, when the charter requires that two-thirds of that board shall vote in the affirmative, to carry any measure, involving the credit of the city ; therefore, believing that the ordinance fails, when construed by the terms of the charter, and believing that the city of Mobile has no lawful right to engage in the enterprise contemplated, what is the conclusion with reference to the validity of the bonds ?—manifestly that they are invalid, notwithstanding the action of the General Assembly, and that neither the municipality of Mobile, nor the people thereof, can be required to redeem the bonds or to pay the interest on the same.

I protest against the action of the Senate, because of the situation in which this action leaves the State, with reference to the bonds. The municipality of Mobile is chartered by the General Assembly of the State. The boards that now govern the city, and that inaugurated the issuing of bonds to the amount of \$1,500,000, the confirmation of which is now sought, are the creatures of the General Assembly, now in session. The logical conclusion then is, that in case the municipality of Mobile shall fail to redeem the bonds, or to pay their interest, that the State Government will make good its own action, and pay the bonds, principal and interest. I maintain that the action of the Senate justifies this conclusion. An amendment, providing, that in no contingency should the State become responsible for these bonds, or the interest thereof, was offered as an engrossed rider, when the bill was on its third reading, and was properly ruled out of order by the chair, on the ground that it restricted the provisions of the bill, which shows conclusively, that it is the intention that the State shall be bound for the redemption of the bonds. I now call the attention of the Senate to the

record of its own proceedings, and protest against it as unconstitutional. I need not argue paragraph 32, article 4, of the constitution, for that was ably done by the chair in support of his ruling, that it required a two-thirds vote to pass the bill; but I submit, that overruling so plain and fair a construction of the constitution, was no more to be expected from your honorable body, than the passage of a bill open to such criticism as the one under consideration.

I further protest against the application of the previous question on so important a financial question, as the one under consideration. The application of the previous question is always unfair to the minority, and is a confession of a doubtful cause. Its application in this case was an abridgment of the rights of the people, in being heard. In the name of the sovereign people of Alabama, I protest against the whole proceeding of the Senate on January 14, 1870, in support of the bill under consideration, as the forcing of an unconstitutional measure, repugnant to every principle of justice.

I. D. SIBLEY.

I concur in the above protest as to constitutional objections, and involving the State in an unwarrantable obligation.

H. C. SANFORD,

Senator 6th Dist., Cherokee and Calhoun counties.

Having heard all the arguments, *pro* and *con*, on the above named bill, I am satisfied that the exposition of facts as ably expressed in the above protest is correct, and I therefore subscribe my name, and furthermore add, that in my opinion, the bonds, if sold, will never be redeemed in consequence of their nullity, and that the party or parties from whom capital may be obtained for the purpose of building said Alabama and Mobile Grand Trunk Railroad, will have to resort to much expense and useless litigation, and will never be able to recover damages.

DAN'L V. SEVIER,

Senator of Franklin and Lawrence counties.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Sevier, to transfer administrations and guardianships from the probate court of Franklin county to the probate court of Colbert county ;



Requiring the officers of the county of Franklin to restore to the officers of Colbert county, the books, papers and property belonging to the county of Colbert, and now in the offices or in possession of the officers of Franklin county ;

By Mr. Stow, to enable the administrator of the estate of William T. Judkins deceased, to sell the real estate of said decedent ;

Which bills were read twice forthwith and referred to the Judiciary Committee.

By Mr. Hinds, to authorize the county commissioners of this State to allow salaries to solicitors.

By Mr. Yordy, to repeal sections 3691, 3692, and 3693 of the Revised Code ;

To repeal an act to incorporate the Tuskaloosa Scientific and Art Association ;

To repeal an act to establish the Mobile Charitable Association, &c. ;

To repeal an act to establish a Mutual Aid Association, &c. ;

To amend an act to incorporate and aid the Agricultural and Horticultural society of Western Alabama. ;

By Mr. Miller, to authorize the court of county commissioners of Butler county, Alabama. to levy a special tax for the purpose of repairing and enlarging the court house of said county ;

Which bills were severally read and ordered to a second reading.

By Mr. Oliver, to regulate the charges on railroads ;

By Mr. Farden, requiring uniformity of charges for freight on railroads ;

To expedite the construction of the railroad of the Alabama and Chattanooga railroad company ;

Which bills were read twice forthwith and referred to the Committee on Internal Improvements.

By Mr. Coon, for the relief of Alfred Moore, and his sureties ;

Which bill was read twice forthwith and referred to the Committee on Taxation.

By Mr. Foster, for the relief of John F. Wiatt, of Sumter county ;

Which bill was read twice forthwith and referred to the Committee on Grievances and Disabilities.

At 11 o'clock, the special order set for that hour, came up, it being the Senate bill—

To amend an act to establish revenue laws for the State of Alabama ;

Mr. Pennington offered a substitute ;

Mr. Whitney offered the following amendment :

“*Be it further enacted*, That all railroads in this State shall pay a tax of  $\frac{3}{4}$  of one per cent. on the gross earnings of said railroad companies in this State”;

Which, with the substitute, was withdrawn ;

Mr. Whitney renewed his amendment ;

Which, on motion of Mr. Barr, was laid on the table.

Senate refused to suspend the constitutional rule, in order to give the bill a third reading forthwith.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 19, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To amend section 4037 of the Revised Code ;

To change the time of holding the winter sessions of the chancery courts for the 10th judicial district, composed of the county of Cherokee, and for the 1st district, composed of the counties of Calhoun and Cleburne, and for the 2d district, composed of the county of Talladega, in the eastern chancery division of Alabama ;

To repeal an act entitled an act to amend the 1st section of an act entitled an act, to create a new county out of portions of Montgomery, Macon, Pike, and Barbour counties, approved 8th February, 1867 ;

To amend section 5 of the charter of the city of Wetumpka ;

To change the name of the Selma Savings Association to Selma Bank ;

For the relief of E. T. Bush, guardian of N. H. Harrison ;

To make Irwin Handley a citizen of Covington county ;

Supplementary to an act forming the county of Geneva ;

To change the time of holding the circuit court in Sumter and Choctaw counties ;

To declare Wm. B. Jackson a citizen of Marengo county ;

To provide for the refunding of certain monies to the citizens of Colbert county ;

To change the boundary lines between Blount and St. Clair counties ;

To authorize the commissioners of Clarke county to levy an additional tax for county purposes ;

To amend an act incorporating Clintonville Academy, in Coffee county ;

To change the names of Martha Francis and Wm. Arnold Whatley to Faulk ;

To amend an act to amend section 1755 of the Revised Code ;

To repeal an act declaring Jas. Norwood a liner between Chambers and Lee counties ;

To legalize the acts, contracts, &c., to which Oscar Youngblood, a minor, may hereafter become a party ;

To authorize Thos. Allen, of Hale county, to administer upon the estate of his mother ;

To authorize the commissioners' court of Washington county to levy a special tax for county purposes ;

To legalize the acts, contracts, &c., to which Thomas L. Holstein, a minor, may hereafter become a party.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Pennington offered the following amendment to the bill under discussion :

*Provided*, That the gross amount of revenue assessed on any railroad company shall be divided equally between the State and the counties through which the roads run, and the proportion to each county shall be divided between the counties through which such roads run, according to the number of miles of such road or roads in each county ; *And provided further*, That the amount due to each county to be estimated according to the number of miles it has, shall be determined by the auditor of public accounts, and paid to the treasurer of the county by the State Treasurer ;

Pending consideration of which,

Senate then adjourned till 10 o'clock to-morrow morning.

TUESDAY, January 18, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—30.

Journal of yesterday was read and approved.

Mr. Jones, from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed.

Mr. Foster offered the following, which lies over one day :

*Resolved*, That the rule of the Senate which requires "that some reasons of the urgent necessity for the passage of the bill shall be stated before the constitutional rule can be suspended," be and the same is hereby repealed.

House bills—

For the relief of Laura E. Lanier, of Pickens county ;

To provide for the payment of the bonds of the town of Troy by the real estate owners of said town ;

To repeal a special act to increase the pay of the jurors and civil officers of the counties of Covington and Coosa ;

Were severally read a third time and passed.

House bill, to declare William Russell, of Geneva county, a citizen of Coffee county :

Was referred to the Committee on Municipal and County Organizations.

House bills—

To amend section 775 of the Revised Code ;

To repeal section 1389 of the Revised Code ;

Were severally read a second time and referred to the Judiciary Committee.

House bills—

For the relief of E. T. Bush, guardian of N. H. Harrison ;

To legalize the acts, contracts, suits and transactions to which Thomas L. Holstein may hereafter be a party ;

To authorize the court of county commissioners of Washington county to levy a special tax for county purposes ;

To change the name of the Selma Savings Association to the Selma Savings Bank ;

Changing the time of holding the circuit courts in Sumter and Choctaw counties ;

Supplementary to an act forming the county of Greene ;

To make Irvin Handley, a liner, a citizen of Covington county ;

To authorize Thomas Allen, of the county of Hale, to administer upon the estate of his mother, L. M. Hardwick, deceased ;

To legalize the acts, contracts, suits and transactions to which Oscar Youngblood, a minor, may hereafter become a party ;

To repeal an act to declare James Norwood a liner between the counties of Chambers and Lee ;

To amend an act to amend section 1755 of the Revised Code of Alabama, so as to extend the provisions thereof to life insurance and mutual aid companies, approved August 6, 1868, so as to extend the provisions thereof to fire, river and marine insurance companies ;

To change the name of Martha Frances and William Arnold Whatley, minor children of Susan Whatley, to the name of Martha Frances and William Arnold Paulk, and to render them capable of inheriting the estate of William J. Paulk, of the county of Randolph ;

To amend the act incorporating the Clintonville Academy, in Coffee county ;

To authorize the county commissioners of Clarke county to levy an additional tax for county purposes ;

To amend section 5 of the charter of the city of Wetumpka ;

To declare William B. Jackson, a liner between the counties of Perry and Marengo, a citizen of Marengo county, and to change the line between said counties ;

To provide for refunding certain moneys to the citizens of the territory known as Colbert county ;

To change the boundary line between the counties of Blount and St. Clair ;

To amend section 4037 of the Revised Code ;

To repeal an act to amend the 1st section of an act to create a new county out of portions of Montgomery, Macon, Pike and Barbour counties, approved 8th February, 1867 ;

To authorize Mary E. Westbrook, guardian of W. L. Brass-

field, a minor, to move from Greene county to Marengo county ;

To repeal section 4062 of the Revised Code ;

To amend section 3468 of the Revised Code ;

To regulate the sale of the property of insolvent estates ;

To repeal a certain act therein named ;

To make Randolph Sheddon a citizen of Hale county ;

To change the time of holding the winter sessions of the chancery courts for the 10th, 1st and 2d districts of the eastern chancery division ;

Fixing the time of making assessments ;

To fix the mileage to certain counties ;

To regulate county claims ;

To establish a medical board in Lawrence county ;

To amend the charter of Demopolis ;

Defining who shall be competent witnesses ;

To require the filing and record of claims due from and owing by the county of Shelby ;

To provide for holding a chancery court in the county of Etowah ;

To protect the ministers and preachers of the Gospel in the State of Alabama ;

Making claims for *ex officio* services of the sheriffs and the clerks of the circuit courts of Franklin, Hale, Lowndes and Talladega counties, preferred claims upon the county treasury of their respective counties ;

To empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county ;

To change the term of the chancery court in the 10th district of the northern division ;

To repeal an act to prohibit the sale of spirituous liquors within five miles of Harmony church, Shelby county ;

To amend section 2439 of the Revised Code of Alabama, by securing to plaintiffs and defendants, the right of appeal from all orders and decrees of chancellors of the State of Alabama, dissolving or refusing to dissolve injunctions, whether the motion be made in vacation or term time ;

Were severally read and ordered to a second reading.

House bill, to authorize Louis Gunboat, a citizen of Dallas county, to practice medicine and charge for his services ;

Was read and laid on the table.

House bill, to provide for the location of the county site of Etowah county ;

Was read twice forthwith ;

On motion of Mr. Whitney, the bill was amended, by substituting "March" for February";

Referred to the Committee on Municipal and County Organizations.

Senate bill, to authorize Henry P. Smith, administrator, to sell lands at private sale;

Was read a second and third time and passed.

Mr. Yordy, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills, report the following bills as correctly enrolled;

An act for the relief of Jno. B. Boddie of Marengo;

An act to provide the officers of public instruction, a room in the court house for the transaction of their official business;

An act for relief of John S. Baugh, of the county of Lee, Alabama;

An act to repeal an act entitled an act to establish the city court of Huntsville;

An act for the relief of the poor of Coosa county;

And they report one bill back to the Senate as incorrectly enrolled.

J. A. YORDY, Chairman.

Senate bills—

For the relief of James Bradshaw, a minor, of Dale county;

To establish the city court of Eufaula;

To locate the county site of Russell county;

To make Mrs. Lucy H. Dreyspring of Montgomery county, a free dealer;

To make Mrs. Elizabeth Brown, wife of Oliver C. Brown, of Bibb county, a free dealer;

To make Mrs. Mary Hines, of Coosa county, a free dealer;

For the relief of W. D. Dawkins;

For the relief of Mary West, of Barbour county;

For the relief of the estate of Winfield Woolf, deceased;

For the relief of Isabella Frazier, a minor;

For the relief of G. W. Henderson;

For the relief of Louisiana Lester of Russell county;

Were severally read a third time and passed.

At 12 o'clock, the special order for that hour came up, it being the Senate bill—

To re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof;

The question being on the amendments reported by the committee;

Said amendments (section 12 and 13) were adopted;

Mr. Bromburg moved to amend by striking out wherever they occur, the words, "By and with the consent of the Senate";

Which amendment, on motion of Mr. Foster, was laid on the table;

Yeas 16, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Foster, Glass, Hinds, Johnston, Jones, Lentz, Martin, Pennington, Richards, Sibley, Stow, Whitney, Wyman and Yordy—16.

Those who voted in the negative are—

Messrs. Bromberg, King, Lambert, McAfee, Mabry, Mahan, Miller, Oliver, Royal, Sanford, Sevier, and Worthy—12.

Bill was then read the third time forthwith and passed.

Mr. Barr moved to reconsider said last vote, and to lay that motion on the table;

Which was carried;

Yeas 22, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, McAfee, Martin, Miller, Morton, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wyman and Yordy—22.

Mr. Mahan voted in the negative—1.

Messrs. Lambert and Worthy were excused from voting.

Mr. Sibley, from the joint select committee to visit and report upon the Selma, Marion and Memphis railroad, submitted the following report;

Which was received, and 500 copies ordered to be printed, and the committee discharged:

MONTGOMERY, ALA., January 18, 1870.

*To the General Assembly of Alabama:*

The undersigned, a joint committee appointed by the Senate and House of Representatives of the General Assembly of Alabama, "to examine and report upon the condition of that portion of the Selma, Marion and Memphis Railroad, for which the company has received the indorsement of its bonds by the State, to the amount of sixteen thousand dollars per mile—it being the first section of twenty miles from Marion junction in the direction of Marion"—respectfully report as follows:



Your committee met at the city of Selma on the 7th of January, inst., and went from there to the Marion junction on the Selma and Meridian railroad, and thence along the line of the Selma, Marion and Memphis Railroad, for more than twenty miles from the Marion junction. They examined the road-bed, cross-ties, iron rails, construction, locomotives, passenger and box cars, depots, machine shops and other buildings connected with and belonging to said railroad.

They found the road well constructed, in good condition, and well furnished and equipped. The track is necessarily laid through a prairie country, requiring a great deal of ballasting with stone or gravel to keep it in first class condition during the winter, or in seasons of heavy and continued rains.

This ballasting cannot be found in sufficient quantity in the section of country through which the road passes, at present, but beyond the present terminus, in Hale and Pickens counties, ample opportunities for procuring the necessary ballast will be found, which it is the intention, as it is manifestly the interest of the company, to supply in sufficient quantity.

Meanwhile, the company is endeavoring to supply the deficiency of the proper kind of ballast, by the use of sand, and by increasing the number of cross-ties usually laid down, with constant supervision and repair of the road-bed, to keep up the track. With this exception, which is but slight, and which it is the obvious interest of the company to make as temporary as possible, the road may be considered strictly a first-class railroad.

The committee do not hesitate to say that the railroad and its equipments are a good and sufficient security to the State upon its endorsement of the bonds. The road runs through a fine section of country, with a fine, energetic population, and the rich and fertile country, for which it furnishes transportation and travel, and the economy, energy and efficiency with which its business is managed, give us assurances of sufficient guaranty for the State, and of great success to the road.

Your committee have been courteously furnished by the president of the company with a statement of its property and effects, a copy of which is hereunto attached, by reference whereunto it will be seen that the net assets of the Selma, Marion and Memphis Railroad Company are seven hundred and ten thousand and one hundred dollars—more than double the amount of the endorsement of the State for said company.

The earnings of the road already show enough to defray the running expenses, and to pay the interest of the bonds endorsed.

As this road is extended, the country through which it will pass is of such a character as to promise a much larger amount of earnings than have been hitherto received.

In view of these and other facts which might be mentioned, your committee beg to report that the State, in their opinion, has incurred no risk from the endorsement of the bonds of the Selma, Marion and Memphis Railroad Company, and respectfully ask that their report be received, and your committee be discharged.

All which is respectfully submitted.

E. F. JENNINGS,  
Chairman Joint Com.  
I. D. SIBLEY,  
F. D. WYMAN,  
T. C. STEWARD,  
JAMES A. REEVES,  
Committee.

---

MONTGOMERY, ALA., January 12, 1870.

Inventory of property belonging to the Selma, Marion and Memphis Railroad Company :

One new locomotive, "Porter King".....	\$ 15,000 00
One new locomotive, "Selma," in transitu....	15,000 00
One locomotive, "Marion".....	8,000 00
One locomotive, "Express".....	7,000 00
Ten new box cars, \$550 each.....	8,500 00
Thirty-four new flat cars, \$650 each.....	22,100 00
Four box cars, \$400 each .....	1,600 00
One passenger car.....	4,500 00
One passenger car.....	1,000 00
One express and baggage car (new).....	1,000 00
Six new hand and push cars, \$125 each.....	750 00
Two steam saw mills, complete, new.....	10,000 00
Oxen, wagons, carry logs, &c., new.....	2,000 00
One steam engine, tools and machinery in shops at Marion, new.....	8,000 00
Blacksmith shops, oil paints, &c.....	1,000 00
Real estate and buildings, depot grounds.....	9,500 00

Two thousand cross-ties, new.....	1,000 00
Nineteen hundred tons railroad iron on hand and in transitu.....	171,000 00
Chains, spikes, fish-bars, &c., new.....	5,000 00
Twenty-one miles of road completed.....	357,000 00
Other available assets in private subscriptions, and county and municipal subscriptions...	300,000 00
<hr/>	
Total amount of assets.....	\$948,950 00
Deduct liabilities of company for iron and other material.....	238,850 00
<hr/>	
Excess of assets over liabilities.....	\$710,100 00

This amount of seven hundred and ten thousand one hundred dollars is the net amount of available resources of the company, as nearly as can be ascertained. The bonds endorsed by the State have not been sold by the company nor any part of them.

I would further state that all the engines, cars and materials shown in the foregoing list as new, with the iron for seven miles and three-quarters of completed road, and forty thousand new cross-ties in the completed road—and ten thousand more cross-ties, and the iron for twenty-two miles of additional road beyond the present terminus of the road, have been added to the value of the road since the last statement was furnished by the company to the tax assessors of the State of Alabama. Respectfully,

N. B. FORREST,  
President Selma, M. & M. R. R. Co.

Indefinite leave of absence was granted to Mr. Sevier on account of sickness in family.

Mr. McAtee introduced a bill, for the relief of the estate of Joseph Pizzala, deceased, late of the city of Montgomery ;

Which was read three times forthwith and passed.

Mr. Worthy introduced a bill, to amend an act to fix the time of holding the courts in the 4th judicial circuit ;

Which was read three times forthwith and passed.

Mr. Jones introduced a bill, to authorize the Governor to negotiate for the purchase of a site for a new penitentiary ;

Which was read twice forthwith and referred to a select committee composed of Messrs. Jones, Yordy and Bromberg.

Senate then adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, Jan. 19, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Royal, Sanford, Sibley, Stow, Wise, Whitney, Worthy and Yordy—25.

Journal of yesterday read, corrected and approved.

Mr. Foster's resolution to rescind a certain rule of the Senate,

Was laid on the table.

Leave of absence for this day was granted to Mr. Wyman.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced:

By Mr. Lentz, to incorporate and establish a new charter for the town of Athens, in Limestone county;

By Mr. Mahan, to amend an act to incorporate the Centreville Bridge Company;

By Mr. Lambert, for the relief of W. L. Anthony, of Marion county;

By Mr. Pennington, to amend an act to continue in force certain laws, approved July 22, 1868;

To amend an act to extend the time in which to open judgments and grant new trials in certain cases;

By Mr. Mabry, to declare Martha Howell, of Barbour county, a free dealer;

By Mr. Farden, to authorize and empower Anna Salter to settle with her guardian;

For the relief of Richard Golson, of Autauga county;

By Mr. Jones, to empower the Governor to appoint a judge of the county court of Marengo county;

By Mr. Bromberg, to construe section 16 of an act incorporating the Gulf City Insurance Company, approved December 10, 1861;

To amend an act to incorporate the Factors and Grocers Marine and Fire Insurance Company of Mobile, approved December 4, 1863 ;

By Mr. Miller, to enable persons prosecuted for offenses against the criminal laws of the State to give bail before trial ;

By Mr. Worthy, for the relief of James L. Kitchens, of Pike county ;

Which bills were severally read and ordered to a second reading.

By Mr. Pennington, to amend an act of the General Assembly of Alabama, entitled an act to authorize the several counties and towns, and cities, of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests, approved December 31, 1868 ; and to continue the same as amended, in force ;

Which bill was read twice forthwith and referred to the Committee on Internal Improvements.

By Mr. Pennington, to legalize, ratify and confirm all acts and things of every kind heretofore done and performed in substantial compliance with the provisions of an act of the General Assembly of Alabama, to authorize the several counties and cities, and towns, of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests, approved December 31, 1868.

By Mr. Coon, explanatory of an act to empower the Governor to appoint notaries public ;

Which bills were severally read twice forthwith and referred to the Judiciary Committee.

By Mr. Yordy, to authorize the holding of an election in Colbert county for county officers ;

Which bill was read three times forthwith and passed.

By Mr. Foster, (with petition) to alter, arrange and designate the county boundaries between the counties of Washington and Choctaw, and Sumter ;

By Mr. Hinds, to change the boundary line between the counties of Marshall and Blount ;

Which bills were severally read twice forthwith and referred to the Committee on Municipal and County Organizations ;

By Mr. Bromberg, supplementary to an act to regulate elections, approved October 10, 1868 ;

By Mr. Barr, for the registration of electors ;

Which bills were severally read twice forthwith and referred to the Committee on Registration.

Message from the Governor, as follows :

EXECUTIVE DEPARTMENT,  
January 19, 1870. }

*Gentlemen of the Senate*

*and House of Representatives :*

I transmit herewith, for your information, a copy of returns, showing the result of an election held in West Florida on the 2d day of November last, upon the question of annexing that portion of the State to Alabama. It will be seen that the election resulted in favor of the proposed annexation.

With my annual message, I transmitted a copy of a report made to the department by the commissioners appointed to negotiate upon this subject. That report shows the terms upon which it is proposed to transfer West Florida to this State.

Having thus submitted all the information upon the subject, I will merely add that, if it should be the pleasure of the General Assembly to ratify the proposed terms of annexation, I will give to the measure my official approval.

WILLIAM H. SMITH.

OFFICE OF SECRETARY OF STATE, }  
Tallahassee, Fla., Dec. 4th, 1869. }

His Excellency, Governor WM. H. SMITH,

*Montgomery, Ala.*

SIR:—I have the honor to enclose herewith a certified copy of the official canvass of the votes cast at an election, held in this State. on November 2d, 1869, relative to ceding a portion of said State to the State of Alabama.

Respectfully,

JONATHAN C. GIBBS,  
Secretary of State.

## STATE OF FLORIDA.

We, Jonathan C. Gibbs, Secretary of the State of Florida, and Robert H. Gamble, Comptroller of said State, a majority of the members of the Board of State Canvassers, met at the office of the said Secretary of State, at the Capitol at Tallahassee, on this twenty-third day of November, A. D., 1869, and proceeded to canvass the returns of the Special Election, held on November 2d, 1869, in relation to ceding a portion of said State of Florida to the State of Alabama.

The following is the result of said canvass, viz :

## Escambia County.

Whole number of votes cast, was :

Seven hundred and eighty-eight.....	788
For annexation, four hundred and thirty-six.....	436
Against annexation, three hundred and fifty-two.....	352

## Franklin County.

Whole number of votes cast, was :

Eighty-four.....	84
For annexation, fifty-eight.....	58
Against annexation, twenty-six.....	26

## Holmes County

Whole number of votes cast, was :

One hundred and thirteen.....	113
For annexation, forty-one.....	41

## Santa Rosa County.

Whole number of votes cast, was :

Two hundred and seventy-four.....	274
For annexation, one hundred and nineteen.....	119
Against annexation, one hundred and fifty-five.....	155

## Walton County.

Whole number of votes cast, was :

Two hundred and thirty-five.....	235
For annexation, one hundred and seventy.....	170
Against annexation, sixty-five.....	65

## Washington County.

Whole number of votes cast, was :

Two hundred and ten.....	210
--------------------------	-----

For annexation, one hundred and ninety ..... 190  
 Against annexation, twenty ..... 20  
 That the whole number of votes cast, at said election,  
     was seventeen hundred and four ..... 1704  
 That the whole number of votes cast for annexation,  
     was ten hundred and forty-five ..... 1045  
 That the whole number of votes cast against annexation,  
     was six hundred and fifty-nine ..... 659  
 That there was no election held in Jackson county, and the  
 returns for Calhoun county have not been received at Office  
 Secretary of State.

Witness our hands,

[Signed] JONATHAN C. GIBBS,  
                     Secretary of State.  
 [Signed] ROBERT H. GAMBLE,  
                     Comptroller.

OFFICE OF SECRETARY OF STATE, }  
 Tallahassee, Fla., December 1st, 1869. }

This is to certify, that the returns of the election, held in  
 Calhoun county, on November 2d, 1869, were not received  
 at this office until this date, and were not canvassed by the  
 Board of Canvassers.

The vote is as follows :

Whole number of votes cast, was one hundred and nine-  
     teen..... 119  
 For annexation, one hundred and seventeen..... 117  
 Against annexation, two..... 2

Given under my hand and the great seal of the State  
 [SEAL.] attached, at Tallahassee, the Capitol, this first day  
 of December, A. D., 1869.

HARRISON REED,  
 Governor of Florida.

Attest :

JONATHAN C. GIBBS,  
     Secretary of State.



STATE OF FLORIDA, }  
Executive Office. }

I, Harrison Reed, Governor of the State of Florida, do hereby certify, that the foregoing is a correct transcript of the original canvass of votes cast, at a Special Election, held in said State, November 2d, 1869, relative to annexing a portion of said State of Florida to the State of Alabama.

In testimony whereof I have hereunto set my hand  
[SEAL.] and caused to be affixed the Great Seal of the State,  
at Tallahassee, the Capitol, this first day of December, A. D., 1869.

HARRISON REED,  
Governor of Florida.

Attest :

JONATHAN C. GIBBS,  
Secretary of State.

Which message was read.

Mr. Worthy then offered the following joint resolution,  
Which was adopted :

*Resolved*, That a joint committee of three from the Senate and four members from the House, be raised, to whom shall be referred the special message of the Governor on the annexation of part of Florida to Alabama ;

Messrs. Worthy, Oliver, and Pennington, were appointed the committee on the part of the Senate, under said joint resolution.

Mr. Jones from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed ;

Senate bill, to establish revenue laws for the State of Alabama,

Was taken up, the question being on Mr. Pennington's amendment ;

Mr. Barr moved to lay said amendment on the table ;

Which motion was lost ;

And the amendment was adopted ;

Yeas 15, nays 12.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Farden, Foster, Glass, Johnston,

Jones, Mabry, Mahan, Martin, Pennington, Sanford, Wise, Whitney and Worthy—15.

Those who voted in the negative are—

Messrs. Barr, King, Lambert, Lentz, McAfee, Miller, Oliver, Richards, Royal, Sibley, Stow and Yordy—12.

On motion of Mr. Barr, the vote adopting Mr. Pennington's amendment was reconsidered, and the amendment laid on the table ;

The constitutional rule was suspended, the bill read a third time forthwith and passed.

At 12 o'clock, the special order for that hour came up, it being joint memorial to Congress for the removal of disabilities ;

Which was postponed and made special order for 12 o'clock, on Friday next.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 19, 1870. }

*Mr. President :*

The House has originated and passed a bill, as follows :

For the relief of certain citizens of Covington county, and for other purposes.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Coon, from the Committee on Internal Improvements, Reported adversely to the bill,

To expedite the construction of railroads in the State of Alabama ;

Which was under discussion before recess ;

Which report was concurred in.

Also, from the same committee, reported favorably to the bill, to expedite the construction of the railroad of the Alabama and Chattanooga railroad company within this State ;

Which bill was laid on the table, 150 copies ordered to be printed, and made special order for 12 o'clock to-morrow.

Also, from the same committee, reported favorably to the bill, to ratify and confirm the title of the Alabama and Chattanooga railroad company to certain lands ;

Which bill was recommitted to the Judiciary Committee ;

Also, from the same committee, reported favorably to the

bill, to amend an act to incorporate the Warrior Bridge, Pontoon and Ferry company ;

Which bill was ordered to a third reading.

Mr. Stow, from the Committee on Finance, reported favorably to the House bill, to make appropriation to pay for a safe in the State Treasurer's office ;

Which bill was read a third time forthwith and passed ;

Yeas 24, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Oliver, Richards, Royal, Sibley, Stow, Wise, Whitney and Yordy—24.

Mr. Sanford voted in the negative—1.

Mr. McAfee, from the Judiciary Committee,

Reported favorably to Senate bills—

To amend section 2892 of the Revised Code ;

To amend the first section of an act to amend section 1755 of the Revised Code of Alabama, &c., so as to extend the provisions of said act to Express and Telegraph Companies ;

To fix the time of holding the circuit courts in the 7th judicial circuit ;

To amend section 1064 of the Revised Code ;

Which bills were severally ordered to a third reading.

Also, from the same committee, reported adversely to the Senate bills—

To charge the separate estate of married women for benefits actually conferred ;

To incorporate the Deshler Female Institute ;

To amend section 3515 of the Revised Code ;

Which reports were severally concurred in.

Also, from the same committee, reported favorably to the Senate bills—

To extend the provisions of section 3736 of the Revised Code ;

To enable the administrator of the estate of William T. Judkins, deceased, to sell real estate ;

Which bills were severally read a third time and passed.

Also, from the same committee, reported adversely to House bills—

For the relief of free dealers ;

To regulate the pay of State witnesses in Montgomery county ;

To provide for the revising, digestion and promulgation of all the statutes of Alabama ;

Which reports were severally concurred in.

Also, from the same committee, reported adversely to Senate bill—

To relieve the chancellor of the northern division of the necessity of holding two chancery courts annually, in the counties of Franklin and DeKalb ;

Which report was concurred in ;

Also, from the same committee, reported favorably to the House bill—

To legalize and make valid the acts of the constituted authorities of the town of Troy, in subscribing to the capital stock of the Mobile and Girard railroad company, and issuing bonds for the payment thereof ;

Which bill was read a third time forthwith and passed ;

Yeas 18, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Foster, Glass, Hinds, King, Mabry, Mahan, Martin, Miller, Oliver, Richards, Royal, Sibley, Stow, Wise, Whitney, Worthy and Wyman—18.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, McAfee, Sanford and Yordy—5.

Also, from the same committee, reported adversely to the House bill—

To relieve disabilities from persons against whom a divorce from the bonds of matrimony has been decreed ;

Pending consideration of which report—

Senate then adjourned till 10 o'clock to-morrow morning.

---

THURSDAY, January 20, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Richards of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington,

Richards, Royal, Sanford, Sibley, Wise, Whitney, Worthy, Wyman and Yordy—36.

Journal of yesterday was read, corrected and approved.

Mr. Yordy, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to incorporate the town of Scottsboro, in the county of Jackson ;

An act for the relief of Wm. G. Garrett, of Talladega county, and Willis B. Walker, of Choctaw county ;

An act to annex the county of Sanford to the third judicial circuit, and to fix the time to hold the circuit courts in said judicial circuit.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced :

By Mr. Whitney, (with petition and memorial,) to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama ;

By Mr. Coon, to aid the Montgomery and Philadelphia Mining and Manufacturing Company ;

Which bills were severally read twice forthwith and referred to the Committee on Internal Improvements.

By Mr. Sanford, to authorize persons holding claims against any railroad company in this State for damages sustained by them on their lands or other property, to transfer said claims ;

By Mr. Oliver, to amend the second section of an act to empower the Governor to appoint notaries public ;

By Mr. Morton, for the relief of T. J. Griffin, of Fayette county ;

By Mr. McAfee, to amend section 3577 of the Revised Code ;

By Mr. Wise, to create a contingent fund for the use of the Senate ;

By Mr. Farden, to authorize and empower Thomas F. Taylor to settle with his guardian ;

For the relief of Roxy Lanier, of Autauga county ;

Which bills were severally read and ordered to a second reading.

By Mr. Coon, joint resolution to provide for putting in permanent form for reference and preservation, the official documents of the present session ;

Which was adopted.

Senate took up the House bill, which was under consideration at adjournment yesterday, it being a bill,

To relieve from disabilities all persons against whom a divorce from the bonds of matrimony has been decreed.

The adverse report was not concurred in ;

Yeas 12, nays 15.

Those who voted in the affirmative are—

Messrs. Farden, Foster, Jones, King, McAfee, Mabry, Martin, Miller, Richards, Sanford, Sibley and Worthy—12.

Those who voted in the negative are—

Messrs. Bromberg, Glass, Hinds, Johnston, Lambert, Lentz, Mahan, Morton, Oliver, Pennington, Royal, Stow, Wise, Wyman and Yordy—15.

#### REPORTS FROM STANDING COMMITTEES.

Mr. McAfee, from the Judiciary Committee, reported adversely to House bills,

To impose the penalty of perjury for falsely, wilfully and maliciously taking the oath of office in this State ;

To amend subdivision 5, of section 2244, of the Revised Code ;

Regulating sales of land sold by or under any process from any court authorized by law to order or decree sales, or under any mortgage or deed of trust ;

To authorize executors and administrators of insolvent estates to sell at public outcry all the claims due said estates ;

To authorize executors and administrators to sell at public outcry, promissory notes, accounts and other claims due estates of decedents in certain cases ;

Which reports were severally concurred in.

Also, from the same committee, reported adversely to House bill,

To legalize the marriage ceremony between S. A. Thornton and Martha F. B. Thornton, of Etowah county ;

Which report was not concurred in, and the bill was ordered to a third reading.

Mr. Miller, from the select committee, made the following report upon the condition of the Mobile and Montgomery Railroad .

## REPORT OF JOINT COMMITTEE

*To the Senate and House of Representatives  
of the General Assembly :*

Your committee, appointed by the two Houses, under and by virtue of a joint resolution, adopted on the 22d day of November, 1869, whose duty it was to "examine into the condition and management of the Mobile and Montgomery, and Montgomery and West Point Railroads," have discharged that duty as far as has been to them practicable, and respectfully submit the following report of the condition and management of the Mobile and Montgomery Railroad :

1st. Your committee, believing that to enable them to obtain the requisite information, it would be necessary to give the machine shops, depots, water stations, road-bed, bridges, culverts, track and machinery, a personal and thorough inspection, and to enable your committee to discharge fully their work, we were furnished a special train by the superintendent, Mr. Jordan.

On an examination of the shops and machinery at Montgomery, found that the company have

Twelve first-class locomotives.

Eight second-class locomotives.

Five third-class locomotives.

Six first-class passenger cars.

Five second-class passenger cars.

Twenty new box cars.

Ten new platform cars.

One hundred and seven old box cars.

Fifty-three old platform cars.

The machine shops are large and well arranged, but the amount of machinery for repairs is limited and not sufficient for extensive repairs. The stationary engine is too light for the service, and old. The company is without a round house for the protection of the engines, and the raising sheds and paint shops are of wood, and very temporary in their character.

In proceeding along the track we found the rails badly worn and broken, and lamination going on at a rapid rate.

From Montgomery, south for four miles to Catoma creek, the old rails, ties and road-bed are in very good order. From Catoma, south, about eight miles, the rails, ties and track are

entirely new, with fish-bar rails of fifty-six pounds to the yard, and the road in a very fine condition.

From Pintlala to Fort Deposit, a distance of twenty-two miles, the road runs through the prairie, which is well known to the railroad men of the State, as presenting the most serious difficulties on account of the peculiar soil, in maintaining a good and perfect track. The road in this section is in miserable condition.

From Fort Deposit to Greenville, a distance of 11 miles, the track is in a very bad condition, the rails are broken and laminated, and of an inferior quality of iron, and the road in this section is a patch work, and your committee found it absolutely dangerous to pass trains over it. We find that Mr. Jordan, the engineer and superintendent of this road, refers especially to this subject in his report to the stockholders at their annual meeting in May last, and states that there are in the track,

2667	partially laminated rails,		
1990	badly	“	“
1307	broken	“	“

which your committee believes to be a correct statement of the condition of the track.

Between Montgomery and Greenville, the company has experienced much difficulty in securing a regular and full supply of water for use of trains, owing to the peculiar formation, and have resorted to ordinary and artesian wells and cisterns, without obtaining a requisite supply.

The bridges over Catoma and Pintlala creek are each of 136 feet span, with 1459 feet of trestle approaches. The trestle approaches are good and new, but the bridges are miserable, and should be rebuilt at once.

There are many other small bridges or trestles between Montgomery and Greenville, that are in a decaying condition, and should be rebuilt as soon as possible, as they are unsafe for the passage of heavy trains.

From Greenville to Pollard, a distance of 69 miles, the track is in general good condition. There is some lamination of rails; additional new ties are required, and some of the small trestle bridges want repair, and occasionally the banks require widening; otherwise there is no fault to find with this part of the road.

The country between Pollard and Greenville is rather flat, and requires a large number of water gaps, but no extensive bridges or trestles.



From Pollard to Tensas, a distance of 50 miles, the road passes through a high undulating country; the track, cross-ties, road-way are all in excellent condition. The bridge over the little Escambia is old and should be rebuilt; the trestle over the Big Escambia should be replaced with a permanent work, with exceptions just made; the bridges and trestles on this division are good and in excellent order.

At Tensas, the company has constructed a wharf, about 100 feet wide and about 600 feet long, upon piles and well above the tide. The wharf house seems to be sufficiently large to give shelter to all the freights discharged from the steamer of the company, except on extraordinary occasions, there may be some temporary exposure of freights; the wharf and pile foundations seem to be sound and secure.

The distance from Montgomery to Tensas is 164 miles, and the company have the the following side track. At

	feet.
Montgomery . . . . .	3500
Sand Cut . . . . .	350
McGehee's . . . . .	1000
Letohatchie . . . . .	1200
Givhan's . . . . .	600
Calhoun . . . . .	350
Fort Deposit . . . . .	600
Summit . . . . .	400
Greenville . . . . .	1600
Bolling . . . . .	500
Georgiana . . . . .	600
Garland . . . . .	600
Gravella . . . . .	1000
Evergreen . . . . .	1000
Sparta . . . . .	800
Castleberry . . . . .	600
100 mile Sidling . . . . .	500
Brewton . . . . .	700
Pollard . . . . .	3000
Miles' . . . . .	600
Canoe . . . . .	300
Williams' . . . . .	600
Perdido . . . . .	800
Bay Maynette . . . . .	600
Tensas . . . . .	2000

Making a total of 23,800 feet of side tracks.

From Tensas to Mobile, the business of the company is done by water transportation; for the passenger business, the company keeps constantly employed the new steamer St. Elmo, which seems ample for all the service required. The freight service is performed by the steamer Sumter, which seems equally capable of meeting the demands of this department. There is ample water between Tensas and Mobile, and it is rarely the case, that there is any failure on this part of the line, and then only at times of very severe gales in the bay.

Your committee will report further upon a subject expressed in the joint resolution, namely—the conduct and management of this railroad.

In consequence of the dilapidated condition of parts of the road, and the very limited rolling stock and machinery, it would be unreasonable to expect that excellence and efficiency in the conduct and management of this company, as we find with roads in fine order and thoroughly equipped.

We cannot say that the management has been as good as it could be even with the limited outfit, as numerous complaints are made by the business men on the line of road; of discrimination in freights, such as greater facilities being given to freights going from Greenville to Savannah, than to freights from same point to Mobile. It is further charged that freights between Mobile and Montgomery are carried at much less rate than freights between Mobile and Greenville, though the distance to Greenville is forty-five miles less than to Montgomery. We find that this discrimination occurs only at points where the road comes in conflict with competing lines.

The running time of the trains averages about fifteen miles per hour, and so far as your committee could learn, the schedule is strictly followed by the engineer and conductors on the road. There are frequent accidents and loss of property to the company growing out of the bad condition of the road; but there has been very few accidents involving loss of life or injury to persons, and as far as your committee could ascertain, none of the accidents could be charged to neglect or incompetency of those actually engaged in running the trains.

Your committee have read with care all the acts under which this company claims its existence, and we have not been able to find that there has been, or is now, any acts rendering in any way a forfeiture of the charter of the company.

Finally, in view of the geographical position of this rail-

road and its intimate connection with the future development and prosperity of the State as the main line of traffic—your joint committee beg leave to present the accompanying bill, entitled “An act to authorize the Governor of the State of Alabama to endorse on the part of the State the first mortgage bonds of the Mobile and Montgomery Railroad Company,” and recommend its passage.

All of which is most respectfully submitted, and your committee ask to be discharged.

WM. MILLER, JR.,  
Chairman Senate Committee.

Which report was received, laid on the table, and 150 copies ordered to be printed.

Mr. Miller also reported a bill, to authorize the Governor to endorse the first mortgage bonds of the Mobile and Montgomery Railroad Company ;

Which bill was read twice forthwith and referred to the Committee on Internal Improvements.

Also, from the same committee, submitted the following report on the Montgomery and West Point Railroad :

#### PROTEST OF JOINT COMMITTEE.

*To the Senate and House of Representatives  
of the General Assembly :*

The joint committee appointed by the two Houses, under and by virtue of a joint resolution, adopted on the 22d day of November, 1869, whose duty it was to “examine into the condition and management of the Mobile and Montgomery, and Montgomery and West Point Railroads,” have discharged that duty as far as has been to them practicable, and respectfully submit the following report of the condition and management of the

#### MONTGOMERY AND WEST POINT RAILROAD.

Beg leave respectfully to report, that in our examinations, its officers have manifested a disposition to aid us in every way, and have replied to our various interrogatories touching the detailed management and conduct of the road in a full and candid manner. Certain complaints have been made to us of discrimination or inequality in the tariff of rates on

this road. After a careful examination into this subject, we are unable to find any cause for such complaint, or reason to believe that the system imposing the various rates or charges on this road differ in any respect from that generally in use, upon railroads in the State.

There are inequalities in charges, between local and what are known as through rates, but from the tariffs of other roads which have been submitted to us, we see that the same difference exists on all roads. The local rates are, as we understand, such as are established by railroads all over the United States, to yield a fairly remunerative return for carriage performed, and such as all roads would, if they could, maintain on all business. It happens, however, that some roads do not have business enough on their own lines to give full employment to their outfit, and, in consequence, seek foreign business. In doing so, they meet with a degree of competition that compels them to take such business, at a less rate than their local, or not obtain it at all. To carry a barrel of flour, under these circumstances, for twenty (20) cents, when the local rate is thirty (30) cents or under, does not appear to us to be a discrimination against the people directly interested in the road, or to work them an injury, but on the contrary a benefit, inasmuch as, whatever of the necessary income to keep up the road, comes from abroad, just so much less will have to come from the people at home, and if any road is kept up from income, mostly obtained from abroad, it follows that the people directly interested in the road, have the benefit of it at the expense of the foreigner. We are of the opinion, therefore, that the local rates are those which this, and all other roads find necessary to maintain, and where through rates are lower, they are so from unavoidable competition, and not from any favoritism or discrimination.

The condition of the road is peculiarly embarrassing. Prior to the war, its business was sufficiently remunerative to enable it annually to replace several miles of its flat bar with a rail of a heavier and more approved form. During the war, this of course could not be done, and at its close, the great cost of replacing its entire outfit, changing the gauge, and other burdens increased its debts to a degree, which rendered its income, after paying interest and working expense, insufficient to continue the renewal of the iron to the extent necessary for successful operation. For these reasons, some por-

tions of the road are not in a condition of ordinary safety. From full and lengthened conversation with the President and Superintendent of the road, we are satisfied that there is good reason to believe that negotiations now pending for securing the joint interests of the lines reaching from Columbus to Savannah on the one hand, and from West Point to Charleston on the other, will be successful, in which case, material aid will be at hand to put the road in a condition which will be creditable to the State and profitable to its owners.

In conclusion, we find no ground for legislative notice or action with reference to this road, inasmuch as we were unable to discover any violation of their charter.

All of which is most respectfully submitted, and your committee asks to be discharged.

WM. MILLER, Jr.,  
Chairman Senate Committee.

Which report was received, laid on the table, and 150 copies ordered to be printed.

Message from the Governor :

*Mr. President :*

I am directed by the Governor to inform the Senate that he has approved and signed a bill to be entitled "An act to repeal an act to establish the city court of Huntsville.

Very respectfully,

D. L. DALTON,  
Secretary.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
January 20th, 1870. }

*Mr. President :*

The House has passed Senate bill, to be entitled an act for the benefit of the estate of Joseph Pizzala, deceased, late of the city of Montgomery.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 20, 1870. }

*Mr. President :*

The House has passed Senate bill, as follows :

To remove the disabilities of non-age from Miss Alabama McDaniel, Wm. T. Cheney of Marengo county, and James W. Hartsfield of Pike county, and J. M. Roquemore, and Isham L. Johnson of Barbour county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 20, 1870. }

*Mr. President :*

The House has originated and passed bill, to be entitled an act to repeal certain local school laws and ordinances for Mobile county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 20, 1870. }

*Mr. President :*

The house has originated and passed the following bill :

"A bill to be entitled an act to establish a new charter for the city of Huntsville."

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled a bill to be entitled,

An act for the benefit of the estate of Joseph Pizzala, deceased, late of the city of Montgomery ;

Mr. Worthy, from the Select Committee on Judicial Districts, reported favorably to Senate bill—

To re-organize the 8th judicial circuit ;

To amend an act entitled an act to amend an act to lay off

and divide the State of Alabama into 12 judicial circuits, &c., approved October 6, 1868 ;

Which bills were severally ordered to a third reading ;

Also, from the same committee, reported favorably, with amendment, to the Senate bill—

To establish the 13th judicial circuit ;

Which amendment was adopted and the bill ordered to a third reading.

Mr. Jones, from the Select Committee, reported favorably, with amendments, to Senate bill—

To authorize the Governor to negotiate for the purchase of a site for a new Penitentiary ;

Which amendment was adopted, and the bill recommitted.

Mr. Coon, from the Committee on Internal Improvements, reported favorably to Senate bill—

To benefit the South and North Alabama railroad company ;

Which bill was ordered to a third reading.

Mr. Lambert introduced a bill, to change the boundary line between the counties of Elmore and Tallapoosa ;

Which was read and ordered to a second reading.

Senate bill, to amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction ;

Was read a second and third time forthwith and passed.

#### SPECIAL ORDER.

At 12 o'clock, the special order for that hour came up, it being the Senate bill—

To expedite the construction of the railroad of the Alabama and Chattanooga railroad company within the State of Alabama ;

Mr. Oliver moved to amend as follows ;

Which was adopted :

*And provided further*, That as a condition on which the aid is granted by this act, the Alabama and Chattanooga railroad company shall not charge more than four cents per mile for each passenger travelling over its line, and shall not charge more than twenty-five per cent. higher rates for carrying local freight than for carrying through freight.

Mr. Coon, moved to amend by adding after " State," in twenty-first line, the following,

Which was adopted :

*Provided, further*, That the Governor shall require said railroad company, before issuing to said company said bonds,

to give to the State of Alabama a first mortgage on the telegraph line and telegraph offices along the line of said road, belonging to said company ; also, on the machine shops, and all other property in this State, and in Georgia, Tennessee and Mississippi, belonging to said company ; also, on all coal mines, now open, or hereafter to be opened and worked, belonging to said company ; also, upon all iron or other mineral lands, and all iron manufacturing establishments now in operation, and hereafter to be constructed ; *Provided, further,* That the directors or other officers and incorporators and stockholders of said railroad company, who shall knowingly violate, or permit the violation without objection, any provision of this act, or of the act under which said company is now receiving the endorsement of the State upon its bonds, of sixteen thousand dollars per mile, shall be held personally liable to the State for any loss incurred thereby.

Mr. Yordy moved to amend as follows,

Which was adopted :

*Provided,* That no money accruing from the sales of the bonds specified in this act, or bonds endorsed by the State for said railroad company, shall be applied to the construction or equipment of any railroad outside of this State.

On motion of Mr. Coon, " March " was substituted for " July," in the thirty-seventh line.

Mr. Coon moved to strike out " three," in the fifth line, and insert " one ;"

Which motion, on motion of Mr. Barr, was laid on the table—Yeas 18, nays 11.

Those who voted in the affirmative are—

Messrs. Barr, Foster, Glass, Hinds, Johnston, Jones, Mabry, Mahan, Martin, Miller, Morton, Pennington, Richards, Sanford, Wise, Whitney, Worthy and Wyman—18.

Those who voted in the negative are—

Messrs. Bromberg, Coon, King, Lambert, Lentz, McAfee, Oliver, Royal, Sibley, Stow and Yordy—11.

Mr. Mabry moved to amend as follows,

Which was ruled out of order :

Amend by adding the words " and Montgomery and Eufaula Railroad Company," immediately after the words " Alabama and Chattanooga Railroad Company," wherever the words " Alabama and Chattanooga Railroad Company " occur.



Mr. Mabry appealed from the decision of the chair in thus ruling his amendment out of order ;

And the decision of the chair was sustained.

Mr. Miller offered the following amendment,

Which was adopted :

Sec. 2. *Be it further enacted*, That the aid granted in the foregoing section of this act shall be accepted upon the following conditions : That said company shall, from and after five years from date of the bonds provided to be issued in the foregoing section, set aside as a sinking fund, one per cent. of the amount of said bonds, which said amount shall be so set aside every year until the tenth year, when two per cent. shall be set aside every year until the fifteenth year ; then three per cent. shall be set aside until the twentieth year ; and after the twentieth year, four per cent. shall be provided and set aside each year until the maturity of the debt, which said sinking fund shall be applied by said company regularly as it is provided and set aside to the purchase of their bonds, under the foregoing provisions of this act, which said bonds shall be presented to the auditor of the State, by him cancelled and returned to said company ; and such presentation and cancellation of said bonds, to the amount required each year, shall be a full compliance with the provisions of the foregoing section of this act.

Said bill, as amended, was then ordered to a third reading.

Senate bill, to revive, continue in force, and amend an act to incorporate the Grand and Subordinate Divisions of the Order of Sons of Temperance in the State of Alabama, approved December 20, 1848 ;

Was amended by engrossed rider, on motion of Mr. Worthy, and, as amended, was read a third time and passed.

Senate bills—

For the relief of Louisiana Lester, of Russell county ;

Relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company ;

To repeal subdivision 10 of section 750 of the Revised Code ;

To amend the law of appeals ;

To authorize Julia Knighton, of Cleburne county, to sell certain lands ;

To prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;

To repeal a proviso of section 3 of an act to adopt the law

in relation to the incorporation of the city of Tuscumbia, approved December 23, 1868 ;

To amend an act to incorporate the city of Eufaula ;

To incorporate the town of Greensboro', in Hale county ;

To preserve good order at and around China Grove camp ground, in Dale county ;

To amend an act to incorporate the schools at Loachapoka ;

To declare Hurricane Creek, Henry county, a public highway ;

Were severally read a third time and passed.

Senate bill, to remove the county seat of Greene county from Eutaw to Fair View in said county ;

Was recommitted to the Committee on Municipal and County Organizations.

Senate bill, in relation to jurors in Barbour county ;

Was recommitted to the Judiciary Committee.

Senate bill, to provide for and regulate the taxes by the Southern Express Company, and to amend sections 2 and 13 of the act to establish revenue laws for the State of Alabama ;

Was made special order for 11 o'clock to-morrow.

Senate bill, to incorporate the trustees of the Marion Presbyterian Church, in Perry county ;

Was read a third time and laid on the table.

Senate bill, to authorize the judges of probate of Lee, Chambers and Randolph counties to affix the seal of the court of probate of said counties, without affixing the State stamp to the bonds of said counties, to the Eufaula, Opelika, Oxford and Guntersville Railroad ;

Was read a third time and passed ;

Yeas 24, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sibley, Stow, Wise, Wyman and Yordy—24.

Senate bill, to amend paragraph 2 of section 12 of the revenue laws ;

Was postponed till to-morrow.

Senate bill for the benefit of free school scholars, their parents and guardians ;

Was recommitted to the Committee on Education.

Senate then adjourned till 10 o'clock to-morrow morning.

FRIDAY, January 21, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, Mabry, Martin, Mahan, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Wise, Wyman and Yordy—26.

Journal of yesterday was read and approved.

Message from the Governor :

*Mr. President :*

I am directed by the Governor to inform the Senate that he has approved and signed bills which originated in the Senate, to be entitled as follows :

For the relief of the poor of Coosa county ;

For the relief of John S. Baugh ;

To authorize the administrator of the estate of Gottlieb Breitling, deceased, to compromise debts due said estate ;

To incorporate the town of Scottsboro', in the county of Jackson ;

For the relief John B. Boddie, of Marengo county ;

For the relief of Wm. G. Garrett, of Talladega county, and Willis B. Walker, of Choctaw county ;

To provide the officers of public instruction a room in the court-house for the transaction of their official business ;

To annex the county of Sanford to the third judicial circuit, and to fix the times to hold the circuit courts in certain counties in said judicial circuit.

Very respectfully,

Your obedient servant,

D. L. DALTON,  
Secretary.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 12, 1870. }

*Mr. President :*

The House has originated and adopted a joint memorial to the Congress of the United States, as herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.

CALL OF THE DISTRICTS.

On the call of the districts, the following bills, resolutions and memorials were introduced :

By Mr. Hinds, for the relief of W. B. and H. E. Alsabrook, of Franklin county ;

By Mr. Mahan, to make Martha Maroney, wife of P. D. Maroney, of Shelby county, a free dealer ;

By Mr. Yordy, for the relief of John C. Phares, of Sumter county, from the disabilities of non-age ;

By Mr. Jones, to enlarge the powers of the mayor and councilmen of the city of Demopolis, so as to enable them to lease out certain real estate ;

By Mr. King, to establish an election precinct at Haw Ridge, Dale county ;

Which bills were severally read and ordered to a third reading.

By Mr. Mabry, to expedite the construction of the Vicksburg and Brunswick Railroad in Alabama ;

Which bill was read twice forthwith and referred to a select committee, composed of Messrs. Mabry, Coon and Worthy.

By Mr. Stow, memorial of the State agricultural society ;

Which was referred to the committee on agriculture and manufactures.

By Mr. Bromberg, in relation to weights and measures ;

Which bill was read twice forthwith and referred to a select committee, composed of Messrs. Bromberg, Barr and Sibley.

By Mr. Bromberg, resolution of enquiry into alleged misapplication of Mobile school funds and other public money ;

Which was read and adopted.

## REPORTS FROM STANDING COMMITTEES.

Mr. Bromberg, from the committee on rules and regulations,

Reported revised rules for the Senate ;

Which rules were amended and adopted, and 100 copies ordered to be printed.

Afterwards said vote was reconsidered, and the report was recommitted to the same committee.

## SPECIAL ORDER.

At 11 o'clock, the special order for that hour came up, it being the Senate bill,

To regulate the payment of taxes by the Southern Express Company, and to amend sections 2 and 13 of the revenue laws ;

Which bill was recommitted to the joint select committee on the special message of the Governor, in relation to said Express Company.

Mr. Coon from the committee on internal improvements,  
Reported a substitute for the bill,

To expedite the construction of railroads in the State of Alabama ;

Which was laid on the table, and 150 copies were ordered to be printed.

## SPECIAL ORDER.

At 12 o'clock, the special order for that hour came up, it being :

Joint memorial to Congress, for the removal of political disabilities.

Mr. Whitney moved to postpone the further consideration of the subject till Wednesday next, and make it special order for 12 o'clock.

Mr. Farden moved to amend said motion, so as to make it Monday next ;

Which motion was laid on the table.

Mr. Mabry moved to lay Mr. Whitney's motion on the table ;

Which motion was lost ;

And Mr. Whitney's motion was carried.

Senate reconsidered the vote by which it had previously concurred in the adverse report to the Senate bill,  
 For the relief of Hugh Montgomery ;  
 Bill was then ordered to a third reading.  
 House joint memorial to Congress in relation to the tariff on machinery for spinning cotton ;  
 Was read and adopted.  
 Senate adjourned till 10 o'clock to-morrow morning.

---

SATURDAY, January 22, 1870.

Senate met pursuant to adjournment.  
 Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney, Wyman and Yordy—  
 28.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Bromberg until Tuesday next ;

Leave of absence was also granted to Mr. Foster.

House bills—

To regulate the sale of the property of insolvent estates ;

To amend section 3486 of the Revised Code ;

To repeal section 4062 of the Revised Code ;

To amend section 4037 of the Revised Code ;

To authorize Mary E. Westbrook, guardian of W. L. Brassfield, minor, to move from Greene county to Marengo county ;

Defining who shall be competent witnesses ;

To require the filing of claims in Shelby county ;

To protect the ministers and preachers of the gospel ;

To repeal an act to prohibit the sale of spirituous liquors within five miles of Harmony church, in Shelby county ;

To amend section 3439 of the Revised Code of the State of Alabama, &c.

Were severally read a second time and referred to the Judiciary Committee.

House bills—

To change the name of the Selma Savings Association ;

To change the time of holding the circuit courts in Sumter and Choctaw counties ;

To authorize the court of county commissioners of Washington county to levy a special tax for county purposes ;

To change the name of Martha Frances and William A. Whately to the name of Martha F. and William A. Paulk, &c. ;

To authorize Thomas Allen, of Hale county, to administer on the estate of his mother, Martha L. M. Hardwick, deceased ;

To legalize the acts, contracts, suits, &c., to which Oscar Youngblood may hereafter become a party :

To amend an act incorporating the Clintonville academy ;

To amend section 5 of the charter of the city of Wetumpka ;

Were severally read a second and third time and passed.

House bills—

To amend the charter of Demopolis ;

For the relief of E. T. Bush, guardian ;

To legalize the acts, &c., to which Thos. L. Holstein may become a party ;

To declare W. B. Jackson a citizen of Marengo county ;

To provide for refunding certain moneys to citizens of Colbert county ;

To change the time of holding the winter sessions of the chancery courts for the 10th, 1st and 2d districts of the Eastern chancery division ;

To establish a medical board in Lawrence county ;

To provide for holding a chancery court in Etowah county ;

To empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county ;

To change the term of the chancery court for the 10th district of the Northern division ;

Were severally read and ordered to a third reading.

House bills—

To fix the mileage to certain counties ;

Supplementary to an act forming Geneva county ;

To make Irvin Handly a citizen of Covington county ;

To change the boundary lines between Blount and St. Clair county ;

To amend the 1st section of the act to form Bullock county ;

To repeal a certain act therein named ;

To make R. Spedden a citizen of Hale county ;

To regulate county claims ;

To establish a new charter for Huntsville ;

To amend an act to remove the county site of Marengo county from Demopolis to Linden ;

Were severally read a second time and referred to the Committee on Municipal and County Organizations.

House bill, fixing the time of making assessments ;

Was read a second time and referred to the Committee on Taxation.

House bill, to repeal an act to declare James M. Norwood a liner between Chambers and Lee counties ;

Was read a second time and laid on the table.

House bill, to amend an act to amend section 1755 of the Revised Code, so as to extend the provisions thereof to Fire, River and Marine Insurance Companies ;

Was read a second time and referred to the Committee on Banks and Insurance.

House bills—

To repeal certain local school laws and ordinances for Mobile county ;

Was read twice forthwith and referred to the Committee on Education.

House bill, for the relief of certain citizens of Covington county ;

Was read twice forthwith and referred to the Committee on Grievances and Disabilities.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 22, 1870. }

*Mr. President:*

The House has passed the following Senate bills:

For the relief of Bryant H. McCulloch ;

To prevent the sale of spirituous liquors within one mile of Beulah church, in county of Lee ;

For the relief of Robert A. Ross and James F. Hartsfield ;

For the relief of Jno. Gamble Burton, a minor ;



For the relief of Henry B. Vincent of Autauga county;  
 For the relief of W. L. D. Pitts of Perry county;  
 For the relief of Jno. W. Oswalt;

To incorporate the Phoenix Fire Company, No. 2, of Eufaula, Alabama;

To incorporate the town of Columbia, Henry county, Alabama.

And have originated and passed the following bills:

To incorporate the town of Uniontown, in Perry county, Alabama;

To incorporate the town of Midway, in Bullock county, Alabama;

To provide for the extension of certain State bonds, due and payable in London, on the 1st day of June, 1870;

For the relief of Geo. E. Sandling, of Morgan county;

For the relief of A. H. and Elizabeth Creamer, of Covington county;

To legalize the marriage between A. W. Hilton and Jane E. Williamson, of the county of St. Clair.

W. B. CLOUD,  
 Clerk.

HOUSE OF REPRESENTATIVES, }  
 January 22, 1870. }

*Mr. President :*

I am directed by the House to inform the Senate of its having passed Senate bill, to be entitled "An act to amend the 1st and 16th sections of an act, to incorporate the Selma Fire and Marine Insurance Company," approved December 11th, 1866, so as to change the name of the said company.

Respectfully,

W. B. CLOUD,  
 Clerk.

HOUSE OF REPRESENTATIVES, }  
 January 22, 1870. }

*Mr. President :*

The House has originated and passed bill to be entitled as follows :

For the relief of Flemming Murray Gilmer, a minor.

Very respectfully

W. B. CLOUD,  
 Clerk.

## Messages from the House.

HOUSE OF REPRESENTATIVES, }  
January 22, 1870. }

*Mr. President :*

The House has originated and passed bills to be entitled as follows :

An act to make valid and permanent an order of the commissioners' court of Marshall county ;

An act to prevent camp hunting in Marion county ;

An act to ratify and confirm a contract made by the Selma, Rome and Dalton Railroad Company with John Everitt and others, transferring franchise, road, bed, &c., between Jacksonville and Gadsden, in the State of Alabama ;

An act to transfer the administration of the estate of J. W. Gartman, deceased, late of Fayette county, to the county of Sanford ;

An act to make Hephsebeth Jernegin, wife of Charles Jernegin, of Sanford county, a free dealer ;

An act to declare Adam Hurt, of Greene county, a citizen of Marengo county ;

An act to incorporate the town of Vernon, in the county of Sanford ;

An act for the relief of John S. Colvard, a minor, of Macon county ;

A substitute for Senate joint resolution, to provide for paying the expenses of the joint committee to visit the penitentiary.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 22, 1870. }

*Mr. President :*

The House has passed Senate bill, to be entitled an act to amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate bill, to expedite the construction of the railroad of the Alabama and Chattanooga railroad company within the State of Alabama ;

Was taken up, amended by engrossed bill, on motion of Mr. Coon, by inserting the words,

“Incorporators and stockholders,” after the words “other officers,” and, as amended, read a third time and passed ;

Yeas 25, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Wise, Whitney, Worthy and Wyman—25.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, McAfee, Stow, and Yordy—5.

Senate then adjourned till 10 o'clock Monday morning.

FRIDAY, January 24, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lambert of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—27.

Journal of Saturday was read, corrected and approved.

Mr. Yordy, from the Committee on Enrolled Bills, reported as follows :

The committee on enrolled bills, report as correctly enrolled, the following bills :

An act to amend the first and sixteenth sections of an act to incorporate the Selma Fire and Marine Insurance company, approved December 11, 1866, so as to change the name of said company ;

An act to amend an act entitled an act to establish a criminal court for the county of Montgomery, with civil jurisdiction.

## CALL OF THE DISTRICTS.

On the call of the districts, the following bills, &c., were introduced :

By Mr. Sibley, to authorize the commissioners court of Madison county to receive pay for their services ;

Which bill was read twice forthwith and referred to the Committee on Fees and Salaries.

By Mr. Wise, to amend and repeal section 8 of an act to authorize the Savannah, Griffin and North Alabama Railroad Company of the State of Georgia to extend their railroad from the Alabama line to a point between Talladega and Jacksonville ;

By Mr. Coon, to expedite the construction of a railroad from Chickasaw, on the Tennessee river, to Ashby station, on the Selma, Rome and Dalton Railroad ;

To expedite the construction of the Selma and New Orleans Railroad ;

To expedite the construction of the Selma, Rome and Dalton Railroad :

Which bills were severally read twice and referred to the Committee on Internal Improvements.

By Mr. Yordy, to make Mrs. E. P. Parker, wife of Soc. Parker, of Sumter county, a free dealer ;

By Mr. Martin, to amend an act to establish fencing in certain portions of Montgomery county ;

For the relief of Wm. T. Starke, deceased, late of Russell county ;

By Mr. Mabry, to amend section 2 of an act to incorporate the Eufaula Home Insurance Company ;

By Mr. Richards, to amend section 2339 of the Revised Code ;

Which bills were severally read and ordered to a third reading.

By Mr. Coon, to establish the 14th judicial circuit, and to attach the county of Greene to the 1st judicial circuit ;

By Mr. Worthy, for the relief of N. L. Whitfield ;

Which bills were severally read twice forthwith and referred to the Judiciary Committee.

By Mr. Worthy, to incorporate the Troy Hook and Ladder Company ;

Which bill was read three times forthwith and passed ;

By Mr. Hinds, to enable the North Alabama Agricultural and Mechanical Association to re-organize under their charter ;  
Which bill was read twice forthwith and referred to the Committee on Agriculture and Manufactures.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Wyman, from the Committee on Taxation, reported favorably to the Senate bill,

For the relief of Alfred Moore and his sureties ;

Which was ordered to a third reading.

Also, from the same committee, reported favorably to the Senate bill.

For the relief Hampton Graham, late tax collector of Calhoun county ;

Which bill was read a third time forthwith and passed ;

Yeas 18, nays 6.

Those who voted in the affirmative are—

Messrs. Barr, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, Martin, Pennington, Richards, Sanford, Sibley, Wise, Worthy, Wyman and Yordy—18.

Those who voted in the negative are—

Messrs. McAfee, Mabry, Mahan, Oliver, Royal and Stow—6.

Also, from the same committee, reported favorably, with amendment, to House bill,

To authorize the commissioners court of Sumter county to levy a special tax for working the public roads ;

Which amendment was adopted, the bill read a third time and passed.

Also, from the same committee, reported a substitute for House bill,

To fix the time of making annual assessments ;

Which substitute was adopted, the bill read a third time and passed.

Mr. Pennington, from the Committee on Federal Relations, reported favorably to Senate bill, to carry into effect in Alabama, the provisions of the 7th clause of the consular convention between the United States and the Emperor of the French, concluded on 23d February, 1853 ;

Which bill was read a third time and passed.

Mr. Worthy, from the Committee on Public Buildings and Institutions, reported a substitute for Senate bill,

To provide for the care and support of hospital patients at Talladega ;

Which substitute was adopted, the bill read a third time and passed ;

Yeas 24, nays 0.

Those who voted in the affirmative are—

Messrs. Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—24.

Mr. Worthy, from the select committee on judicial districts, reported favorably to Senate bills.

To establish a chancery court in the county of Hale ;

To amend an act to amend sections 3, 8 and 13 of an act in relation to chancery courts in Alabama ;

To apply and extend the law of garnishment to causes in chancery ;

To enlarge and extend the jurisdiction of courts of chancery ;

Which bills were severally read a third time forthwith and passed.

Mr. King, from the Committee on Poor Laws and Charitable Institutions, reported favorably to Senate bill,

To incorporate the Grand Conclave of the Order of Seven Wise Men of the State of Alabama ;

Which bill was ordered to a third reading.

Senate bills—

To amend section 2302 of the Revised Code ;

To amend an act to incorporate the Canebrake Agricultural Society, &c. ;

Were severally read a third time and passed.

Senate bills—

To incorporate and establish a new charter for Athens, in Limestone county ;

To incorporate the town of Linden ;

To define the corporate limits of Livingston, Sumter county ;

Were severally read a second time and referred to the Committee on Municipal and County Organizations.

Senate bills—

To attach Etowah county to the 5th judicial circuit ;

To make Catharine Maroney a free dealer ;

For the relief of S. F. Ryan ;

For the relief of Roxy Lanier ;

To incorporate the E. B. Young banking house ;

For the relief of D. M. James ;

For the relief of Richard Golson ;

To amend an act to incorporate the Factor's and Grocer's Insurance Company of Mobile;

Were severally read a second time and ordered to a third reading.

Senate bills—

To make Martha Maroney a free dealer;

To allow A. P. Griffin to establish a ferry;

Were read a third time and indefinitely postponed.

Senate bills—

To regulate the legal rate of interest from 11th January, 1861, to 16th August, 1865;

To authorize W. Lockhart to erect a mill-dam therein named;

To amend the law in relation to compromises of debts due estates of decedents;

To construe section 16 of an act to incorporate the Gulf City Insurance Company;

To authorize the county commissioners of this State to pay salaries to county solicitors;

To repeal sections 3691, 3692 and 3693 of the Revised Code;

To amend section 3430 of the Revised Code;

To repeal section 3538 of the Revised Code;

To construe subdivision 10, of section 112, of the revenue laws of Alabama;

To authorize and empower Thomas F. Taylor to settle with his guardian;

To amend an act in which to open judgments and grant new trials in certain cases;

To amend an act to continue in force certain laws;

To authorize and empower Anna Salter to settle with her guardian;

For the relief of T. J. Griffin, of Fayette county;

For the relief of W. L. Anthony, of Marion county;

To enable persons prosecuted for offenses against the criminal laws of the State to give bail before trial;

To empower the Governor to appoint a judge of the county court of Marengo county;

To amend section 3577 of the Revised Code;

To amend section 2 of an act to empower the Governor to appoint notaries public;

Were severally read a second time and referred to the Judiciary Committee.

Senate bills—

Joint resolution to establish a national postal telegraph system ;

To transfer certain legal documents and papers from Franklin to Colbert county ;

To attach the county of Colbert to the northern chancery division, to be known as the 12th chancery district ;

To authorize Eusebius C. Sheffield, to settle with his guardian ;

To authorize the commissioners court of Butler county to levy a special tax for the purpose of repairing and enlarging the court-house ;

To repeal an act to re-organize the Centreville Bridge Company ;

To establish an election precinct at Haw Ridge, in Dale county ;

For the relief of John C. Phares, of Sumter county ;

Were severally read a second and third times and passed.

Senate bills—

To repeal an act to establish a mutual aid association, and to raise funds for the common school system of Alabama ;

To repeal an act to establish the Mobile charitable association for the benefit of the common school fund of Mobile county ;

To repeal an act to incorporate the Tuskaloosa Scientific and Art Association, &c. ;

Were severally read a second and third time forthwith and passed.

Senate bills—

To repeal an act to incorporate the North Alabama Manufacturing Company ;

To repeal an act to incorporate the North Alabama Manufacturing Company ;

To amend an act to incorporate and aid the Agricultural and Horticultural Society of Western Alabama ;

To provide a uniform system of incorporation for the organization of companies in Alabama ;

To amend the 1st section of an act to amend the charter of the Opelika and Talladega Railroad Company ;

Were severally read a second time and referred to the Committee on Internal Improvements.



Senate bill, to pay the officers and employees of the General Assembly during the recess ;

Was read a second time and referred to the Committee on Fees and Salaries.

Senate bill, to regulate the collection of tolls in this State ;

Was read a second time and referred to the Committee on Roads and Public Highways.

Senate bill, for the relief of the poor of Marengo county ;

Was read a second time and referred to a select committee, composed of Messrs. Jones, Sanford and Miller.

Senate bills—

For the relief of W. B. and H. E. Alsabrook, of Franklin county ;

To authorize persons holding claims against any railroad in this State for damages sustained upon their lands or other property, to transfer said claims ;

For the relief of J. B. Billingsly ;

To remove the guardianship of Nannie O. and Mary F. Kimbrough, from Wilcox to Marengo county ;

For the relief of T. H. Bradford, administrator of the estate of Thomas D. Hall, deceased ;

Were severally read a second time and referred to the Committee on Grievances and Disabilities.

Senate bill, to make Mrs. Sidney Jones, of Lee county, a free dealer ;

Was read a second time, amended so as to include Mrs. E. P. Parker, wife of Soc. Parker, of Sumter county, Mrs. Adelaide M. Wadsworth, wife of Daniel Wadsworth, of Autauga county, Lavicy Morgan, wife of William Morgan, of Etowah county, Mrs. Rogers, wife of R. F. Rogers, of Lee county, and Jane E. Whitehead, wife of J. Pinkney Whitehead, of Fayette county.

Mr. Oliver, moved to amend as follows, which was laid on the table :

“And all others by applying to the Judge of Probate, with the consent of their husbands.”

As amended, the bill was read a third time forthwith and passed.

Senate bill, to donate to Jackson county the taxes of said county for 1870 and 1871, for certain purposes ;

Was read a second time and referred to the Committee on Taxation.

Senate bill, to make Martha Howell, of Barbour county, a free dealer ;

Was read a second time ;

On motion of Mr. Oliver, said bill was amended so as to include Mrs. Martha Maroney, wife of P. D. Maroney, of Shelby county ;

As amended, the bill was read a third time forthwith and passed.

Senate bill, for the relief of James J. Kitchens, was read a second time ;

Sundry amendments were offered, when the bill and amendments were referred to a select committee, composed of Messrs. Worthy, Coon, Mabry, Jones and Farden.

Senate bill, to create a contingent fund for the use of the Senate ;

Was read a second time and referred to the Committee on Contingent Fund for the Senate.

Senate bill, to enlarge the powers and duties of the mayor and councilmen of Demopolis ;

Was read a second time and laid on the table.

Senate bill, to change the boundary lines between the counties of Elmore and Tallapoosa ;

Was read a second and third time forthwith and passed—yeas 25, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—25.

Mr. Richards, from the Committee on Education, reported a joint resolution for a joint committee to investigate the insane hospital and inspect the medical college at Mobile ;

Which was adopted.

Mr. Coon's resolution requiring certain information from railroad companies, was read and adopted.

Message from the House, as follows :

HOUSE OF REPRESENTATIVES, }  
January 24, 1870. }

*Mr. President :*

The House has originated and passed the following bills :  
For the relief of Fleming Murray Gilmer ;

To authorize the Secretary of State to issue a patent to Matthew Bronson ;

To prohibit the sale or giving of vinous or spirituous liquors, on or about the Cornwall Iron Works, &c.

To incorporate the town of Wedowee, in Randolph county ;  
 To establish a botanic medical board of physicians at Lebanon, in DeKalb county ;

To amend an act incorporating the Choctaw male and female academy ;

To authorize the court of county commissioners of Escambia county to levy and collect a special tax ;

To enable Cynthia Early, administratrix, to sell lands at private sale ;

To protect fruit trees, fruit and vegetable gardens ;

To authorize David Edwards to erect a dam and mill on Island creek, in Jackson county ;

To remove the disabilities of non age of Reuben Trotter ;

To register and pay the debt of Sumter county ;

To consolidate the funds of fines and forfeitures and general fund, of the county of Sumter ;

To amend section 26 of an act, entitled an act to regulate elections in this State.

Respectfully,

W. B. CLOUD,  
 Clerk.

Senate then adjourned till 7 P. M.

---

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Farden, Glass, Hinds, Jones, Lentz, Mabry, Mahan, Miller, Morton, Oliver, Pennington, Richards, Sanford, Sibley, Worthy and Wyman—18.

Senate took up substitute, reported by the Committee for Senate bill,

To expedite the construction of railroads in the State of Alabama ;

Which substitute was adopted.

Said bill was then considered section by section.

The 1st section was adopted without amendment.

On motion of Mr. Coon, section 2 was amended by striking out the words "Main trunk" in 2nd line.

Mr. Oliver moved to strike out "30" and insert "100 ;"

Which motion was laid on the table.

On motion of Mr. Worthy, the 2nd section was amended after "par value," in 37th line, as follows :

Or exchanged, sold, bartered or used, in the whole or in part or amount thereof, for iron, machinery, rolling stock, or other thing at a greater rate than the cash market value of such iron, machinery, rolling stock, or other thing, to be used in and about the construction of such road ;

As amended, the 2nd section was adopted.

On motion of Mr. Barr, the 3rd section was amended by striking out all of the section after word "Company," in the 19th line.

On motion of Mr. Worthy, said section was amended, by inserting after the words "Depot Stations" in the 11th line, the following :

"And all other property, real or personal, belonging to said company, or thereafter to be acquired by them ;"

As amended, the 3rd section was adopted.

On motion of Mr. Coon, section 4 was amended, by adding after the word "company," in line 23, the following :

It is further provided, that in the event the said receiver should find that the said railroad will not net a sufficient amount over and above its operating expenses to meet the interest from time to time as provided in this bill, the Governor may proceed to foreclose the mortgage and sell the road, outfit, and equipments.

On motion of Mr. Coon, said section was amended by striking out "the" in the 24th line, and also lines 25, 26, 27 and 28, and the following inserted in lieu thereof :

The Auditor is authorized, and it is made his duty, upon his warrant, to draw from the treasury, any sum of money necessary to meet the interest on any bonds endorsed by the State, whenever said interest is not provided for by the company, and to pay such interest, when due, as provided for in this act ; and the Auditor shall report thereon to the General Assembly from time to time, and in case the exigency requires, the Governor is hereby authorized and directed to negotiate temporary loans for said purpose, and to pledge the faith of the State for the payment of the same, so that the interest upon all the endorsed bonds of the State shall be promptly paid when due.

As amended, section 4 was adopted.

On motion of Mr. Farden, section 5 was amended by striking out "place of business", and inserting the words, "principal office;" and also, by inserting after the word "company," in line 5, the words, "in Alabama."

As amended, section 5 was adopted.

On motion of Mr. Worthy, section 6 was amended by inserting the words "real or personal" after the word "property," in the 1st line.

As amended, section 6 was adopted.

On motion of Mr. Worthy, section 7 was amended by inserting the words "any of" before the word "provisions," in line 13.

As amended, section 7 was adopted.

Section 8 was adopted without amendment.

On motion of Mr. Worthy, section 9 was amended by inserting the words "any of" before the word "provisions."

As amended, section 9 was adopted.

Sections 10 and 11 were adopted without amendment; as, also, sections 12 and 13.

On motion of Mr. Sibley, section 14 was amended in line 10, by inserting after the word "road", the words, "culverts shall be of substantial masonry, and bridges and trestles shall be substantial and of most approved plan."

Same section, on motion of Mr. Hinds, by substituting "50" for "56."

As amended, section 14 was adopted.

Mr. Mahan offered the following section, which was adopted:

SEC. 15. *Be it further enacted*, That as a condition on which the aid is granted by this act, the several railroad companies shall not charge more than four (4) cents per mile for each passenger travelling over their lines; and shall not charge more than twenty-five (25) per cent. higher rates for carrying local freight than they will for carrying through freight; nor shall they discriminate unfavorably against any citizen of Alabama, in respect of any of the benefits or privileges of their roads.

Mr. King offered an additional section, (16) which was adopted.

Mr. Coon offered an additional section, (17).

Pending consideration of which,

Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY, January 25, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sibley, Stow, Wise, Wyman and Yordy—25.

Journal of yesterday was read and approved.

Mr. President laid before the Senate the credentials of Mr. Alexander M. McIntosh, Senator elect from the 24th Senatorial District, which were read, when Mr. McIntosh came forward, was sworn in and took his seat.

House bills—

For the relief of E. T. Bush, guardian;

To change the time of holding the winter sessions of the chancery courts in the 10th, 1st and 2nd districts of the Eastern chancery division;

To provide for holding the chancery court in Etowah county;

To empower the commissioners court of Chambers county to issue bonds to pay off the present indebtedness of said county;

To change the term of the chancery court of the 10th district of the Northern chancery division;

Were severally read a third time and passed.

House bill, to legalize the acts, suits, contracts and transactions to which Thomas L. Holstein may hereafter be a party;

Was read a third time and lost.

House bill, to declare W. B. Jackson a citizen of Marengo county, &c.;

Was read a third time and passed.

Yeas 21, nays 1.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Glass, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin, Miller, Morton,

Oliver, Pennington, Sanford, Sibley, Wise, Worthy, Wyman and Yordy—21.

Those who voted in the negative are—

Messrs. Mabry, Richards, Royal and Stow—4.

House bill, to provide for refunding of certain money to the citizens of Colbert county ;

Was postponed until Saturday next.

House bill, to establish a medical board in Lawrence county ;

Was referred to a select committee, composed of Messrs. Barr, Morton and Jones.

House bill, for the relief of Fleming Murray Gilmer,

Was read twice forthwith and referred to the Judiciary Committee.

House bills—

To authorize the county commissioners of Escambia county, to levy and collect a special tax for county purposes ;

To amend an act incorporating the Choctaw Male and Female Academy, approved January 31, 1866 ;

To incorporate the town of Wedowee ;

To establish a Botanic Medical Board of physicians at Lebanon, DeKalb county ;

To prohibit the sale or giving away of vinous or spirituous liquors on or about the Cornwall Iron Works, in Cherokee county ;

To authorize David Edwards to erect a dam and mill across Island Creek, in Jackson county ;

To protect fruit trees, fruit and vegetable gardens ;

To make Hephsebeth Jernigan, wife of Charles Jernigan, of Sanford county, a free dealer ;

To make valid and permanent, an order of the commissioners court of Marshall county ;

For the relief of Geo. E. Sandling, of Morgan county ;

Were severally read and ordered to a third reading.

House bills—

To authorize the Secretary of State to issue a patent to Matthew Bronson ;

To remove the disabilities of non-age of Reuben Trotter ;

For the relief of A. H. Creamer and Elizabeth Creamer, of Covington county ;

Were severally read twice and referred to the Committee on Grievances and Disabilities.

House bill, to legalize the marriage ceremony between S. A. Thornton and Martha F. B. Thornton ;

Was read a third time and referred to the Committee on Grievances and Disabilities.

House bill, to amend section 26 of an act to regulate elections, approved October 8, 1869 ;

Was read three times forthwith, and referred to the Committee on Registration.

House Bills—

To consolidate the fines and forfeitures and general fund of Sumter county ;

To register and pay the debt of Sumter county ;

To provide for the extension of certain State bonds due in London, 1st June, 1870 ;

Were severally read twice and referred to the Committee on Finance.

House Bills—

To enable Cynthia Early, administrator, to sell lands at private sale ;

For the relief of John S. Colvard, of Macon county ;

To incorporate the town of Vernon, Sanford county ;

To prevent camp hunting in Marion county ;

To incorporate Uniontown, Perry county ;

To incorporate Midway, Bullock county ;

Was severally read three times forthwith and passed ;

House substitute for Senate joint resolution to provide for paying the expenses of the joint committee to visit the Penitentiary ;

Was read and concurred in.

House bill, to declare Adam Hurt, of Greene county, a citizen of Marengo county ;

Was read twice and referred to the Committee on Municipal and County Organizations.

House bills—

To transfer the administration of the estate of J. W. Gartman, deceased, late of Fayette county, to the county of Sandford ;

To legalize the marriage between Alexander W. Hilton and Jane E. Williamson, of St. Clair county ;

Were severally read and indefinitely postponed.

House bill, to ratify and confirm a contract made by the Selma, Rome and Dalton railroad company, with John Everitt and others, &c. ;

Was read twice forthwith and referred to the Committee on Internal Improvements.

House bill, to relieve disabilities from persons against



whom a divorce from the bonds of matrimony has been decreed ;

Was read a third time and passed.

Yeas 17, nays 10.

Those who voted in the affirmative are—

Messrs. Bromberg, Glass, Johnston, Lambert, Lentz, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Royal, Stow, Wise, Wyman and Yordy—17.

Those who voted in the negative are—

Messrs. Barr, Foster, Jones, King, McAfee, McIntosh, Richards, Sanford, Sibley and Worthy—10.

Senate bill, to amend paragraph 2, of section 12, of the revenue laws of Alabama ;

Was recommitted to the Committee on Banks and Insurance.

Senate bill, to establish the 13th judicial circuit, made special order for 11 o'clock to-morrow.

Leave of absence granted to Messrs. Richards and Mahan.

Mr. Barr, offered the following ;

Which was adopted :

*Resolved*, That the Governor be, and he is hereby requested, at his earliest opportunity, to inform this body what steps, if any, he has taken to organize the militia under the existing laws of this State.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 25, 1870. }

*Mr. President :*

I am instructed by the House to inform the Senate of its having originated and passed the following bills :

A bill, to be entitled an act to incorporate the town of Pickensville, in the county of Pickens ;

A bill, to be entitled an act prohibit the sale of liquors in or near the town of Ashville ;

A bill, to be entitled an act for the relief of Eliza Emily Spradling of Tuskaloosa county ;

A bill, to be entitled an act for the relief of Joseph Johnson, of Tallapoosa county ;

A bill, to be entitled an act to authorize J. H. Morse, to practice law in Blount and the adjoining counties ;

A bill, to be entitled an act to amend an act entitled an

act making an appropriation for educational purposes, in the State of Alabama, approved October 10, 1868 ;

A bill, to be entitled an act to authorize Anna S. Prince, administratrix of O. T. Prince, deceased, to sell certain lands ;

A bill, to be entitled an act to make David Forshe, of Covington county, a citizen of Conecuh county ;

A bill, to be entitled an act for the relief of Leonard W. Godbold ;

A bill, to be entitled an act to amend section four (4), of an act to incorporate the Vicksburg and Brunswick railroad company, approved January 23, 1867 ;

A bill, to repeal an act entitled an act to prohibit the sale of spirituous and intoxicating liquors within two miles of the Academy and Church, near Alfred Collins, in DeKalb county ;

And have originated and adopted a joint resolution, as herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 25, 1870. }

*Mr. President :*

The House has passed Senate resolution in relation to appointing a committee to visit the Medical College at Mobile.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate adjourned till 10 o'clock to-morrow morning.

---

WEDNESDAY, January 26, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. A. J. Hill, of Mississippi.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin,

Miller, Morton, Oliver, Pennington, Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—24.

Journal of yesterday was read, corrected and approved.

Mr. Miller changed his vote given yesterday, from aye to nay, on the House bill,

To relieve disabilities from persons against whom a divorce from the bonds of matrimony has been decreed.

Leave of absence was granted to Mr. Royal until Saturday next.

Mr. Yordy, from the Committee on Enrolled bills, reported as follows :

The Committee on Enrolled Bills, report the following bills correctly enrolled :—

To incorporate the Phœnix Fire Company, No. 2, of Eufaula, Alabama ;

For the relief of Robert A. Ross and Jas. F. Hartsfield, of Pike county, Alabama ;

For the relief of Jno. W. Oswalt, of Macon county ;

For the relief of Bryant H. McCulloh ;

To prevent the sale of spirituous liquors within one mile of Beulah church, in the county of Lee ;

For the relief of Wm. L. D. Pitts, of Perry county ;

To incorporate the town of Columbia, Henry county, Alabama ;

For the relief of John Gamble Burton, a minor ;

For the relief of Henry B. Vincent, of the county of Autauga.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills were introduced :

By Mr. Mabry, to amend section 2660 of the Revised Code ;

Which bill was read twice and referred to the Judiciary Committee.

By Mr. Coon, to make a final distribution and appropriation of the three per cent. fund ;

Which was read and ordered to a second reading.

Before 11 o'clock, Mr. Sibley gave notice that he would move to reconsider the vote by which the House bill was lost,

To legalize the acts, suits, contracts and transactions to which T. L. Holstein may hereafter become a party.

Message from the Governor in writing, calling the atten-

tion of the Senate to the necessity of enacting a law, to provide for filling vacancies on the Supreme Court Bench and Chancellors ;

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, January 26, 1870. }

*Gentlemen of the Senate,  
and House of Representatives :*

I consider it a duty to invite your attention to a part of the Constitution relative to filling vacancies in certain judicial offices. In Section 11, Article 6, of the State Constitution, it is declared that "Judges of the Supreme Court and Chancellors, Judges of the Circuit and Probate Courts, and of such other inferior courts as may be by law established, shall be elected by the qualified electors of the respective counties, cities, towns or districts, for which said courts may be established." The same section provides that "vacancies in the office of the Circuit Judge, Judge of Probate, or Judge of any other inferior court established by law, shall be filled by the Governor."

It will be seen that Chancellors are named in that part of the constitution which prescribes the manner in which they shall be primarily chosen. But neither Supreme Judges nor Chancellors are mentioned in that part of the section which relates to filling vacancies. The Supreme Court, of course, is not an "inferior court" in any constitutional or legal sense. If a vacancy were to occur on the supreme bench, it would be the duty of the Governor, under the general election law, as it now stands on the statute book, to have it filled by a popular election. It is not so clear, however, in regard to a vacancy in the office of chancellor. How such a vacancy is to be filled, depends upon the construction to be placed upon the phrase "inferior courts established by law." Does that phrase include a chancery court? The expression occurs twice in the section referred to; and I am inclined to the opinion that it has reference to courts established by statute.

Section 7 of the same article, requires certain duties at the hands of each chancellor after "he shall have been elected or appointed." Taking these two parts of the Constitution together, I think it should be determined by a legislative act,

whether a vacancy should be filled by an election or an appointment. At any rate, the question is involved in so much doubt that I have been unwilling to take definite action on a vacancy now existing in one of the chancery divisions of the State, without first consulting the General Assembly. I therefore recommend the enactment of a law prescribing the manner in which vacancies in the office of chancellor shall be filled.

WM. H. SMITH.

Which was read, referred to the judiciary committee, and 200 copies ordered to be printed.

At 11 o'clock the special order for that hour came up, it being Senate bill, to establish the 13th judicial circuit ;

Which was read a third time and lost.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Sanford, from the committee on municipal and county organizations, reported favorably to House bill, to provide for location of the county site of Etowah county ;

Which bill was indefinitely postponed.

Mr. Whitney gave notice that he would move to reconsider the vote by which said bill was indefinitely postponed.

Mr. Sanford, from the same committee, reported adversely to Senate bill, to declare the wharf of Montgomery free ;

Which report was concurred in.

Also, from the same committee, reported favorably to House bill, to enable the commissioners courts of St. Clair and Walker counties, to erect bridges, &c., and make said claims preferred claims.

Mr. Oliver moved to amend as follows :

*"Provided, This act shall not take effect till all outstanding claims against the county have been paid."*

Pending its discussion, at 12 o'clock the special order for that hour came up, it being joint memorial to Congress, for removal of political disabilities ;

Mr. Oliver moved to postpone the memorial indefinitely.

Pending consideration of which motion,

Senate adjourned till 10 o'clock to morrow-morning.

THURSDAY, January 27, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—27.

Journal of yesterday was read and approved.

CALL OF THE DISTRICTS.

On the call of the districts, bills and resolutions were introduced:

By Mr. Wyman, to amend sections 41 and 59 of the revenue laws of Alabama;

Which bill was read twice and referred to the committee on taxation.

By Mr. Wyman, to regulate the holding of the circuit courts in the 1st judicial circuit;

Which bill was read twice and referred to the judiciary committee.

By Mr. Bromberg, to raise a fund for the benefit of the Fire Companies of the city of Mobile;

Which bill was read twice and referred to the committee on banks and insurance.

By Mr. Bromberg, respecting property levied on by attachment or garnishment;

Respecting of the powers and duties of guardians by nature;

Which bills were severally read twice and referred to the judiciary committee.

By Mr. Worthy, to fix the time of holding the courts in the 8th judicial circuit;

Which bill was read three times forthwith and passed.

By Mr. Sibley, for the relief of Geo. N. Calhoun, of Madison county;

Which bill was read three times forthwith and passed.

By Mr. Sanford, resolution, asking certain information of the superintendent of public instruction ;

By Mr. Wise, to repeal an act to incorporate the Masonic home in Chambers county ;

Which bill was read and ordered to a 2nd reading.

By Mr. Mabry, to establish a new charter for the city of Eufaula ;

Which bill was read twice and referred to a select committee, composed of Messrs. Mabry, McAfee and Sanford.

By Mr. Stow, to incorporate the town of Pine Level ;

Which bill was read twice and referred to the Committee on Municipal and County Organizations.

By Mr. Stow, in relation to administrators ;

Which bill was read twice and referred to the Judiciary Committee.

By Mr. Stow, with petition, to define a lawful fence for and within precinct 11, in Montgomery county ;

Which bill was read and ordered to a second reading.

Message from the Governor, in response to Senate resolution asking information relative to the military ;

Which was read and referred to the Committee on Militia.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Jones, from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably to Senate bill,

To change the boundary line between the counties of Blount and Marshall ;

Which bill was read a third time and passed ;

Yeas 21, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, McIntosh, Martin, Miller, Morton, Oliver, Sanford, Sibley, Stow, Wise, Whitney, Wyman and Yordy—21.

Also, from the same committee, reported favorably to Senate bill,

To amend section 1351 of the Revised Code ;

Which bill was read a third time and passed.

Also, from the same committee, reported favorably to House bill.

To make Wiley Dixon, a liner, a citizen of Covington county ;

Was read a third time and passed ;

Yeas 21, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Farden, Foster, Glass, Hinds, Lambert, Lentz, McAfee, McIntosh, Martin, Miller, Morton, Oliver, Sanford, Sibley, Stow, Wise, Whitney, Wyman and Yordy—21.

Also, from the same committee, reported favorably, with amendment, to House bill,

To incorporate Melburne Mills ;

Which was considered until cut off by special order at 12 o'clock.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
January 27, 1870. }

*Mr. President :*

The House has originated and passed bills to be entitled as follows :

For the relief of Wm. Johnston, of Tallapoosa county ;

To incorporate the town of Blountsville ;

For the relief of James F. Taylor, of DeKalb county ;

For the relief of W. J. Ledbetter, of Franklin county ;

A joint resolution to authorize the printing of the reports from the Alabama institution for the deaf, dumb and blind, and from the insane hospital, for the use of those institutions.

To provide school buildings for the State normal school, located in Perry county.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Farden offered the following, which lies over one day.

*Resolved*, That the rule of the Senate, which sets apart Tuesdays and Saturdays for the consideration of House bills, to the exclusion of all other business, is hereby rescinded.

*Resolved*, That the rule of the Senate, which requires one day's notice to be given, in order to change a rule or the regular order of business, is hereby rescinded.

At 12 o'clock, the special order for that hour came up, it being :



Senate joint resolution to Congress for the removal of political disabilities ;

The question being on Mr. Oliver's motion to postpone indefinitely ;

Pending consideration of which,

Senate then adjourned till 10 o'clock to-morrow morning.

FRIDAY, January 28, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Johnston, Jones, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Sanford, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—26.

Journal of yesterday was read and approved.

Leave of absence was granted to Messrs. King and Glass, and Chaplain McCutchen.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills, &c., were introduced.

By Mr. Sanford, resolution for a committee to select a new site for the State capitol on the South and North Alabama Railroad, &c.;

Which resolution was read and laid on the table ;

Yeas 13, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Lambert, Lentz, McAfee, Mabry, Martin, Miller, Pennington, Stow, Wise, Worthy and Yordy—13.

Those who voted in the negative are—

Messrs. Coon, Farden, Foster, Hinds, Johnston, Jones, McIntosh, Morton, Oliver, Sanford, Sibley, and Wyman—12.

By Mr. McAfee, to enlarge the jurisdiction of the chancery courts in the matter of lands of decedents, sold under proceedings in the orphans or probate courts ;

Which bill was read twice and referred to the Judiciary Committee.

By Mr. Mabry, to amend an act to incorporate the Woodville Insurance Company ;

Which bill was read twice and referred to the Committee on Banks and Insurance.

By Mr. Farden, for the relief of Ann M. Sasnett ;

For the relief of the executor of the estate of John Jeffries, deceased ;

Which bills were read twice and referred to the Judiciary Committee.

By Mr. Farden, to order an election in the counties of Marion, Sanford and Fayette ;

To prescribe the duties of the clerks in the courts of this State ;

Which bills were severally read and ordered to a second reading.

By Mr. Wyman, to establish a new charter for the town of Marion, in Perry county ;

Which bill was read twice and referred to a select committee, composed of Messrs. Wyman, Yordy and Miller.

By Mr. Yordy, to prevent drunkenness in the State of Alabama ;

Which bill was read twice.

Mr. Whitney moved to amend section 1 so as to make the penalty \$500, or imprisonment in the penitentiary two years, or both, at the discretion of the court trying the case.

Mr. Oliver moved to lay said amendment on the table ;

Which motion was lost ;

Yeas 6, nays 19.

Those who voted in the affirmative are—

Messrs. Lentz, Mabry, Oliver, Sanford, Wise and Worthy—6.

Those who voted in the negative are—

Messrs. Bromberg, Coon, Farden, Foster, Hinds, Johnston, Jones, King, McAfee, McIntosh, Martin, Miller, Morton, Pennington, Sibley, Stow, Whitney, Wyman and Yordy—19.

And Mr. Whitney's amendment was adopted.

Mr. Pennington moved to amend as follows ;

That this act shall apply to all persons, without regard to race, color, sex or previous condition ; and that the provisions of the act shall apply to members of the General Assembly, while in session ;

Mr. Yordy moved to lay said amendment on the table ;

Pending consideration of which,

At 11 o'clock the Senate proceeded to consider

## REPORTS FROM COMMITTEES.

Mr. Mabry, from the select committee, reported favorably, with amendments, to the Senate bill,

To establish a new charter for the city of Eufaula ;

Which amendments were adopted and the bill ordered to a third reading.

Mr. President announced that he had assigned Mr. McIntosh to the Committees on Agriculture and Manufactures, Accounts and Claims, Privileges and Elections, and Federal Relations.

Mr. Worthy, from the select committee on judicial districts, reported favorably to the Senate bill,

To fix the time of holding the courts in the 11th judicial circuit ;

Which bill was read a third time and passed.

Also, from the select committee, reported a bill,

To provide for the annexation of West Florida to the State of Alabama.

*To the honorable President of the Senate :*

The special committee to which was referred the message of the Governor, relating to the acquisition of West Florida, respectfully submit the following

## REPORT :

The Committee, joined by the House Committee on the same subject, held a meeting, at which, by invitation, the commissioners appointed on behalf of this State were in attendance, and the subject referred to obtained a careful and thorough examination.

The committee is satisfied that among the measures proposed for the advancement of the interests of our State, none exceeds in importance, or is calculated to confer greater and more substantial benefit upon Alabama than the acquisition of this territory. The committee, therefore, report the accompanying bill and recommend its passage.

Respectfully,

A. N. WORTHY, Chairman.

Which was read twice, laid on the table, and 1,000 copies ordered to be printed.

House bill, to incorporate Melburne Mills ;

Was laid on the table.

House bill, to enable the commissioners courts of St. Clair and Walker counties, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties ;

Reported favorably on by the committee on yesterday, was taken up ;

On motion of Mr. Foster, Mr. Oliver's amendment was laid on the table ;

On motion of Mr. Foster, the bill was amended, by adding, "and Choctaw" after "Walker," and "respectively," after "counties" ;

As amended, the bill was read a third time and passed.

Mr. Sanford, from the Committee on Municipal and county Organizations, reported favorably to House bill—

To amend an act to repeal an ordinance to abolish the county of Baine ;

The consideration of which was cut off by the special order.

#### Messages from the House :

HOUSE OF REPRESENTATIVES, }  
January 2S, 1870. }

*Mr. President :*

The House has passed a substitute for Senate bill :

To establish a new charter for the city of Talladega ;

And have originated and passed a bill,

To permanently locate the county seat of Russell connty.

Very respectfully

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 2S, 1870. }

*Mr. President :*

The House has passed the following Senate bill :

A bill for the relief of Louisiana Lester of Russell county.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Yordy, from select committee, submitted the following report :

MONTGOMERY, ALA., }  
January 27, 1870. }

*To the Senate of Alabama :*

Your select committee, appointed to investigate the action of the commission to negotiate for the annexation of West Florida, beg leave to

#### REPORT,

That the sum of \$10,500 was drawn from the State treasury by said commissioners, on the order of the Governor, and by virtue of a joint resolution passed by this General Assembly at its last session, and approved Dec. 30th, 1868. Said resolution directs the auditor, on the order of the Governor, to draw his warrant upon the treasury "to defray necessary incidental expenses incurred in conducting this negotiation."

Your committee are unable to submit an itemized statement, showing, in what manner and for what purposes said sum of money has been expended, and while we do not charge the commission, or any one connected with the negotiation, with appropriating any of said sum for private purposes, we deem the expenditure extravagant. We are of opinion that the legislature did not contemplate an expenditure by virtue of said joint resolution, to exceed twelve or fifteen hundred dollars, and that the money drawn and expended, (amounting to four thousand dollars, or more), for the purpose of influencing an election in a neighboring State, was contrary to the spirit of said resolution, and wrong in principle.

Your committee submit the following documents for the consideration of your Honorable body, and ask that the same be considered as a part of this report.

J. A. YORDY, }  
H. C. SANFORD, } Committee.  
I. D. SIBLEY, }

Three warrants were drawn on the treasury, by order of the Governor, for five hundred dollars each, on January 9th, 1869, and in favor of the three commissioners respectively, making fifteen hundred dollars.

On May 15th, 1869, another warrant was drawn by order of the Governor, in favor of the chairman of the commission, for the sum of five thousand dollars.

Another requisition was made by the commission, and approved by the Governor on July —, 1869, of which the following is a copy :

Montgomery, July —, 1869.

To His Excellency, W. H. SMITH,

*Governor of Alabama :*

We, the undersigned commissioners on the part of Alabama for the annexation of West Florida, respectfully request that you order the auditor to draw his warrant upon the Treasurer for the sum of four thousand dollars, to be used in conducting the canvass in West Florida, His Excellency Gov. Reid having ordered a vote on the 2d day of November, upon the question of annexation.

[Signed] { J. L. PENNINGTON,  
A. J. WALKER,  
CHAS. A. MILLER.

Approved and ordered paid, as "necessary incidental expenses," as per resolution of the General Assembly.

[Signed] W. H. SMITH,  
Governor.

The auditor refused to draw his warrant on the treasurer upon this voucher, but transmitted a copy thereof to the Attorney-General, with the following communication :

AUDITOR'S OFFICE, }  
Montgomery, July 24th, 1869. }

Hon. JOSHUA MORSE,

*Attorney General—*

SIR:—I herewith transmit to you a copy of voucher presented at this office for warrant upon the treasurer. You will please return your opinion in writing for file in this office, upon the following questions :

1. Under the resolution referred to, what rule should govern as to the amount of money appropriated ?
2. The sum of six thousand five hundred dollars has already been drawn from the treasury of the State, and this voucher,

when audited, will make \$10,500 00, "for necessary incidental expenses" under the resolution. The question arises, "is there no limit to the amount to be drawn, and if so, who is the legal responsible officer to determine the limit as required by law?"

3. Is it mandatory upon the auditor in the discharge of his duty in reference to this class of accounts, that he draw his warrant for any amount, which the Governor may approve and order paid?

4. If His Excellency, the Governor, is the only responsible officer, who may determine the amount to be drawn? Is it the duty of the auditor to require any further voucher, giving detailed expenditures of amount drawn, or to ask that any report or exhibit be made to his office, either by the commission, or the Governor, for file or reference?

5. Will the expenditure of money, to be used in conducting the canvass in West Florida, come within the meaning of the joint resolution, which declares that "the Governor is authorized to negotiate with the State of Florida for annexation, &c.," or can this canvass in West Florida, as stated in the voucher, be considered as part of a negotiation with the State Government of Florida?

Believing as I do, that more than double the amount of money, contemplated by the Legislature, has already been drawn from the State treasury by the commission, approved by the Governor, the foregoing are herewith submitted for answer to the law officer of the State, whose opinion shall govern my action in the premises.

Wishing only to discharge my duty as auditor, and freely conceding to others the same right of individual judgment, which I claim for myself, I make the foregoing inquiries, and hope that you will answer each question at your earliest convenience, for reference and file in this office.

I am very respectfully,

Your obedient servant,

R. M. REYNOLDS,

Auditor.

The Attorney-General being absent from the city, did not reply to the above communication.

On August 6, 1869, a line was drawn over the latter portion of said voucher, commencing at the words "to be used in conducting the canvass in West Florida, &c.," and

interlined as follows: "To defray the necessary incidental expenses incurred in conducting the negotiation."

On August 20th, said voucher was withdrawn, and another voucher substituted by the following communication:

EXECUTIVE DEPARTMENT, }  
Montgomery Aug. 20, 1869. }

Hon. R. M. REYNOLDS, *Auditor*:

SIR: I am directed by the Governor, to request that you have the kindness to return to this department a requisition for four thousand dollars, signed by J. L. Pennington, A. J. Walker and Charles A. Miller, commissioners to negotiate for the purchase of West Florida, and approved by the Governor; the object being to substitute therefor a requisition from the Governor himself, for the same amount, which I send herewith.

Very respectfully,

Your obedient servant,

D. L. DALTON,

Governor's Secretary.

[*Copy of voucher substituted.*]

EXECUTIVE DEPARTMENT, }  
MONTGOMERY, Aug. 11, 1869. }

Hon. R. M. REYNOLDS, *Auditor*:

SIR: You will please issue a warrant on the State Treasurer in favor of Chas. A. Miller, Secretary of State, and one of the commissioners to negotiate for the annexation of West Florida, or order, for the sum of four thousand dollars, the same being to "defray necessary incidental expenses incurred in conducting the negotiations."

W. H. SMITH,

Gov. of Alabama.

The Auditor submitted a copy of this requisition also to the Attorney-General, with the following communication:



AUDITOR'S OFFICE, }  
August 20, 1869. }

Hon. JOSHUA MORSE, *Attorney-General* :

SIR : Herewith please find copy of voucher, signed by Governor W. H. Smith, which has been substituted for the requisition, dated, July —, 1869, a copy of which was sent you in letter of July 24, 1869, from this office, and which has been withdrawn at request of the Governor's Secretary.

You will please return your opinion in writing to this office, upon this question, viz : Is the Governor's warrant, thus drawn, conclusive and mandatory upon the Auditor in the discharge of his duties under the joint resolution of the General Assembly, referred to in voucher ?

Hoping that you will give the matter your early attention, so that final action can be taken in this office,

I am, very respectfully,

Your obedient servant,

R. M. REYNOLDS, Auditor.

[*Attorney-General's Reply.*]

OFFICE ATTORNEY-GENERAL, }  
August 20, 1869. }

Hon. R. M. REYNOLDS, *Auditor* :

DEAR SIR : Your communication in reference to the proper construction of the "joint resolution for the annexation of West Florida," has been received and duly considered.

My construction of the joint resolution is this :

The third resolution in the series is mandatory. It is a direction to the Auditor to draw his warrant on the Treasurer, upon the order of the Governor, not for any particular amount or sum of money, but in general terms, "to defray the necessary incidental expenses incurred in conducting the negotiations."

The language is clear and explicit. It leaves no discretion to the Auditor, the whole subject is left exclusively with the Governor, and he is therefore the only responsible party. He is absolutely and imperatively "directed to negotiate with the State of Florida, &c.," and his power to order the drawing of warrant "to defray the necessary incidental expenses incurred in conducting negotiations," is equally as absolute and unconditional.

There is but one restriction upon it, and that is, the "necessary incidental expenses" referred to, must have been "incurred when the order of the Governor is issued. This language is in the past tense, and is not prospective in its operations. This is a limitation upon the power of the Governor, and of course it must be presumed, that when he gives an order to the Auditor, to draw a warrant, it is for "incidental expenses" already incurred.

This order, (the enclosed substituted voucher), in my judgment, deprives you of all discretion, and relieves you of all responsibility.

I am, very respectfully,

Your obedient servant,

JOSHUA MORSE,  
Attorney-General.

The committee submitted a series of interrogatories to two of the members of the commission, to which the following answers were made :

SENATE CHAMBER, }  
Montgomery, Ala., Dec. 6, 1869. }

HON. J. A. YORDY,

*Chairman of Committee :*

DEAR SIR—Yours of 3rd, propounding to me as Chairman of the "Florida Commission" to negotiate for West Florida, eight questions, has been received, and I answer at the earliest opportunity.

Your first question is—"How many times did the Commission visit Florida?"

Answer. The Commission as such, in a body, only visited Florida once.

Your second—"When did they visit said State, and how long did they remain?"

Answer. Commission left Montgomery, 12th January 1869; returned early in February.

Your third—"How many times did you visit Florida? What points did you visit each time? What was the object of each visit, and how were the expenses incurred thereby paid?"

Answer. I visited Florida three times—once with Commission in January—I went to Tallahassee and Jacksonville. The object of this visit was to carry out the resolutions of

the Alabama legislature, relating to the acquisition of West Florida. The expenses were paid with money drawn from the Treasury on requisition of the Commission. I visited Florida again in June—the legislature of Florida being in extra session—for the purpose of securing the co-operation of members to assist in the scheme of annexation. The expenses of this visit was paid as before. I visited Florida again in July and August, and was absent over a month. At that time I visited all the eight counties in West Florida, and distributed two hundred copies of the Alabama Manual, and twenty-five hundred copies of the Report of the Commissioners, a copy of which is herewith transmitted. I traveled nearly one thousand miles by private conveyance; made speeches, and induced influential men, in the various counties, to canvass for annexation, furnishing them funds to pay expenses, &c.

Your fourth—"Did you distribute any books or pamphlets in Florida, and if so, state what kind, how many of each kind, and how and by whom they were furnished?"

Answer. Books and pamphlets were distributed as stated in answer to third interrogatory. They were procured at Montgomery, and paid for out of funds drawn by the Commission.

Your fifth—"How many times, and when did the Florida Commission visit Montgomery, and how long did they remain each time?"

Answer. Florida Commission visited Montgomery one time, on or about the 6th of May. Two of them left 19th of May. The Chairman remained a month.

Your sixth—"How much money did you draw out of the fund appropriated to negotiate with the State Government of Florida, and how did you expend it?"

Answer. There was no specific sum appropriated. The Commission drew in all \$10,500, which was expended in paying expenses of our Commission in Florida, for books and pamphlets, in canvassing West Florida to carry the election, and in paying the expenses of the Florida Commissioners.

Your seventh—"Who procured the vouchers for the \$10,500 expended by the Commission, and how was it expended?"

Answer. The Commissioners made requisition, which was approved by the Governor, and the money was drawn from the Treasury as provided in the joint resolution.

Permit me to add, that Florida was asked to cede, and we were deputed to acquire the territory. We had to pay all

expenses both in Florida and Alabama. First, we had to get a joint resolution through the Florida legislature, submitting the question to the vote of the people of West Florida. We then had to make terms of transfer with the Florida Commission, after which we had to canvass West Florida to ensure a favorable result of the election, which it is now officially announced was carried in favor of annexation by about two to one.

The funds drawn have all been legitimately used, and in addition thereto, the members of the Commission have used some of their own, and they have made no demand on the State for compensation for services. I devoted nearly three months to accomplish what has been done.

J. L. PENNINGTON,  
Chairman of Committee.

OFFICE OF SEC'Y OF STATE, }  
Montgomery, Dec. 6, 1869. }

HON. J. A. YORDY,

*Chairman, &c. :*

DEAR SIR—The interrogatories propounded to me are so similar to those answered by Col. J. L. Pennington, Chairman of the Commission, that I do not deem it necessary to more than subscribe to the same.

I may add that when Col. P. visited Florida in July, I accompanied him to Macon, Ga., where we met the Chairman of the Florida Commission and arranged for the canvass of West Florida. I also visited Florida in October, previous to the vote on Nov. 2d.

The requisition on file in the Auditor's Office, will show that the same were signed by the Commission, and I am sure the funds were expended according to the best judgment and discretion of the Commission, for the sole object of accomplishing the objects contemplated by the resolution of the legislature.

Very respectfully, your ob'dt serv't,

CHAS. A. MILLER.

The following communication was addressed to the Governor:

SENATE CHAMBER, }  
Montgomery, Dec. 14, 1869. }

His Excellency WM. H. SMITH,  
*Governor of Alabama :*

SIR—The committee appointed by the Senate to investigate the action of the commissioners appointed to negotiate for the annexation of West Florida, have instructed me to inquire of your Excellency if said commissioners presented itemized statements of expenses incurred by them, the object being to ascertain in what manner and for what purposes the large amount of ten thousand five hundred dollars has been expended.

The committee respectfully ask to be furnished with such information on this point as may be in possession of your Excellency.

Very respectfully, your obd't serv't,  
J. A. YORDY, Chairman.

[*Governor's Reply.*]

EXECUTIVE DEPARTMENT, }  
MONTGOMERY, Jan. 11, 1870. }

Hon. J. A. YORDY,  
*Chairman of Committee, &c., State Senate :*

SIR—Just as the General Assembly was adjourning for the recess, I received your favor of the 14th ult., in regard to expenditures connected with negotiations for annexing West Florida to Alabama. In reply to your inquiries, I have to state that, at different times, the commissioners appointed to conduct the negotiations, made application for money to defray expenses contracted in connection therewith. The money placed in their hands was obtained upon requisitions of this character.

No itemized account of expenditures was made in this connection. Upon the face of each requisition it was stated that the money drawn was necessary to defray expenses contracted in conducting the negotiations.

W. H. SMITH,  
Gov. of Alabama.

TO HON. MR. YORDY,

*Chairman Senate Committee :*

SIR—At the suggestion of the committee, I make a statement of the moneys received and expended by the commissioners to negotiate for the annexation of West Florida.

I have received from the State five hundred dollars, paid me on my departure for Tallahassee. I believe my colleagues received severally the same amount. I visited Tallahassee and remained there some time, and I was engaged near three weeks at Montgomery in negotiations and consultations with the Florida commissioners, and in the preparation of articles of agreement between the commissioners of the two States. I left Tallahassee before final action upon the question of appointing commissioners was had. When I left, Col. Pennington and Maj. Miller remained, with the understanding that the former would address the Florida Legislature, which I afterwards learned he did with ability and effect. Major Miller paid my expenses to Tallahassee, and, I believe, at Tallahassee. I paid my own expenses on my return. Our expenses were heavy at Tallahassee.

At Tallahassee, the Alabama commissioners encouraged the belief and expectation, that if the State of Florida would appoint three commissioners to visit the capitol of Alabama and negotiate in reference to annexation, their expenses would be paid by us, and they would be treated with hospitality and kindness. The reason why this was done need not be stated.

The Florida commissioners, consisting of three honorable and intelligent gentlemen, were appointed and visited Montgomery. The Alabama commissioners received them and entertained them hospitably at the Exchange Hotel. During their stay five thousand dollars (\$5,000) was drawn from the State treasury and placed to the credit of Maj. Miller; sixteen dollars of this sum were paid to me on hack bills, which were presented to me. I never have received any money from the State or from any other source, save this \$16 and the \$500 paid me on my departure to Tallahassee.

Of course, I have not made any money out of the thing. I think my services, as a professional man, were worth the entire amount expended by the State on the question of annexation.

I do not personally know how the five thousand dollars were expended. I am informed, and have no ground to

doubt, that it was expended to promote the purposes of the commission on the part of Alabama, and in fulfillment of the expectations created by the Alabama commissioners in Florida.

Afterwards, four thousand dollars were drawn from the treasury for the purpose of canvassing West Florida, in reference to the election upon the question of annexation. This draft on the treasury I at first disapproved, but I finally consented to join in a petition to the Governor for it, upon the idea that it was necessary to accomplish the object of the commission, and that it would not be accomplished without active canvassing and calling the attention of the people of West Florida to the subject.

I suppose that every dollar of this money went into the hands of Col. Pennington, and I know no fact which would justify a doubt that he appropriated it to the purpose contemplated. I know of no misappropriation of the money drawn from the treasury. I know of no wasteful extravagance. Col. Pennington went to West Florida and made a laborious canvass. He has been at the head of our commission, and has spent great labor and much time and money in it, and if the proposition is successful, will be entitled to special credit for its accomplishment.

Very respectfully,

Your obedient servant,

[Signed]

A. J. WALKER.

P. S.—While I do not wish to evade any investigation, I should regard as a calamity any publications, at this time, which would prejudice the purpose of the annexation of West Florida. With West Florida annexed, Alabama will be in a decade of years the foremost commonwealth in our Union. It is impossible to itemize the expenses incurred in carrying out the purpose of the Legislature.

A. J. W.

Which report was received, laid on the table, and 1,000 copies ordered to be printed.

At 12 o'clock, the special order for that hour came up, it being,

Joint memorial to Congress for the removal of political disabilities;

The question being, on Mr. Oliver's motion to postpone indefinitely ;

Which motion was lost ;

Yeas 10, nays 15.

Those who voted in the affirmative are—

Messrs. Coon, Foster, Hinds, Lentz, McIntosh, Morton, Oliver, Sanford, Sibley and Whitney—10.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Farden, Johnston, Jones, Lambert, McAfee, Mabry, Martin, Miller, Pennington, Wise, Worthy, Wyman and Yordy—15.

Mr. Lambert offered a substitute for the fourth paragraph of the memorial.

Mr. Oliver moved to amend said substitute by substituting "small" for "large ;"

Which motion was laid on the table.

Mr. Hinds moved to lay Mr. Lambert's substitute on the table ;

Which motion was lost.

Mr. Coon moved to amend Mr. Lambert's substitute as follows:

*Provided*, The removal of disabilities asked for in this memorial shall only apply to the per cent. mentioned in this amendment.

On motion of Mr. Mabry, said amendment to the substitute was laid on the table ;

Yeas 17, nays 7.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Farden, Johnston, Jones, Lambert, McAfee, Mabry, Martin, Miller, Pennington, Sanford, Wise, Whitney, Worthy, Wyman and Yordy—17.

Those who voted in the negative are—

Messrs. Coon, Foster, Hinds, McIntosh, Morton, Oliver and Sibley—7.

Mr. Lentz was excused from voting—1.

Pending consideration of Mr. Lambert's substitute,  
Senate adjourned till 10 o'clock to-morrow morning.



SATURDAY, January 29, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lambert, of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Sanford, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—27.

Journal of yesterday was read, corrected and approved.

Mr. Farden's resolutions to rescind certain rules of the Senate were indefinitely postponed.

Leave of absence was granted to Messrs. King, Glass, Bromberg and Foster.

House bill—

To authorize the commissioners court of Escambia county to levy and collect a special tax for county purposes ;

Was read a second time and referred to the Committee on Taxation.

House bills—

To amend an act incorporating the Choctaw male and female academy ;

To establish a botanic medical board at Lebanon, DeKalb county ;

To incorporate the town of Wedowee, in Randolph county ;

To prohibit the sale or giving away of vinous or spirituous liquors on or about the Cornwall iron works, in Cherokee county, &c.;

To authorize David Edwards to erect a dam and mill on Island creek, in Jackson county ;

To make valid and permanent an act of the commissioners court of Marshall county ;

For the relief of George E. Sandling, of Morgan county ;

Were severally read a second time and ordered to a third reading.

House bill, to protect fruit trees, fruit and vegetable gardens ;

Was read a second time and laid on the table.

House bill, to make Hephsebeth Jernigan, of Sanford county, a free dealer ;

Was read a second and third time and passed.

House bill, to amend the charter of Demopolis ;

Was read twice.

Mr. Jones offered an additional section (6 ;)

Bill and amendment were referred to the Committee on Municipal and County Organizations.

House bills—

For the relief of Wm. Johnston, Jr., of Tallapoosa county ;

For the relief of Joseph Johnston, of Tallapoosa county ;

For the relief of Leonard W. Godbold, a minor ;

Were severally read twice and ordered to a third reading.

House bills—

To incorporate the town of Blountsville ;

For the relief of James F. Taylor, of DeKalb county ;

To authorize Anne S. Prince, administratrix of O. T. Prince, deceased, to sell certain lands ;

For the relief of Eliza Emily Spradling, of Tuskaloosa county ;

To permanently locate the county seat of Russell county ;

To prohibit the sale of spirituous liquors in or near Ashville ;

To repeal an act to prohibit the sale of spirituous or intoxicating liquors within two miles of the academy and church near Alfred Collins', in DeKalb county ;

To change and establish the line between the counties of Jackson and DeKalb ;

Were severally read and ordered to a third reading.

House bill, for the relief of W. J. Ledbetter, of Franklin county ;

Was read twice and referred to the Committee on Grievances and Disabilities.

House bills—

To authorize the court of commissioners of roads and revenue of Madison county to draw and issue warrants on the county treasurer, on time, to the amount of fifteen thousand dollars, in sums to meet demand ;

To provide school buildings for the State normal school located in Perry county ;

Were severally read three times forthwith and passed.

House substitute for Senate bill, to establish a new charter for Talladega ;

Was adopted

House bill, to amend an act to incorporate the Vicksburg and Brunswick Railroad Company ;

Was read twice and referred to a select committee, composed of Messrs. Mabry, Worthy and Miller.

House bills—

To make David Forshe, of Covington county, a citizen of Conecuh county ;

To incorporate the town of Pickensville ;

Were severally read twice and referred to the Committee on Municipal and County Organizations.

House bill, to amend an act making an appropriation for educational purposes in the State of Alabama, approved October 10, 1868 ;

Was read twice and referred to the Committee on Education.

House bill, to authorize J. H. Moss to practice law in Blount and adjoining counties ;

Was read twice.

Mr. Jones moved to amend so as to allow him to practice law in Marengo and adjoining counties ;

Bill and amendment were indefinitely postponed.

House bill, for the relief of Thomas B. Creagh, of Marengo county ;

Was read and laid on the table.

House bill, for the appointment of an additional surveyor in Henry county ;

Was read twice and referred to a select committee, composed of Messrs. King, Mabry and Jones.

House bill, to pay the board of equalization of Madison county ;

Was read twice and referred to the committee on accounts and claims.

Mr. Bromberg, from select committee, reported a substitute for Senate bill, in relation to weights and measures ;

Which substitute was adopted, read a third time and passed.

Mr. Jones from select committee, reported favorably to Senate bill, for the relief of the poor of Marengo county ;

Which was recommitted to the same committee.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed bills, which originated in the Senate, to be entitled as follows :

An act for the relief of John W. Asworth ;

An act for the relief of John Gamble Burton, a minor ;

An act for the relief of Henry B. Vincent, of Autauga county ;

An act for the relief of W. L. D. Pitts, of Henry county ;

An act for the relief of Robert A. Ross, and James W. Hartsfield, minors of Pike county, from the disabilities of non age ;

An act for the relief of Bryant H. McCulloch ;

An act for the relief of Louisiana Lester, of Russell county ;

An act to prevent the sale of spirituous liquors within one mile of Beulah church, in Lee county ;

An act to incorporate the town of Columbia, Henry county ;

An act to incorporate the Phoenix Fire Company, No. 2, of Eufaula, Alabama.

Very respectfully,

D. L. DALTON,  
Secretary.

Message from the House, as follows :

HOUSE OF REPRESENTATIVES, }  
January 29, 1870. }

*Mr. President :*

The House of Representatives has originated and passed the following bills :

To regulate the practice in the circuit court of Mobile county ;

To amend an act, approved February 18, 1854, incorporating the La Place Collegiate Institute of Macon county, Alabama ;

To change the line between the counties of Hale and Marengo ;

To divide Geneva county into four (4) commissioners' districts ;

To legalize the acts of the commissioners court in purchasing certain lands from Nimrod S. Tenderwood, for the purpose of erecting a poor house ;

To repeal sections 3690, 3691, 3692 and 3693 of the Revised Code ;

To relieve the Mason's Life Association of the State of Alabama from taxation ;

To repeal an act, to enable certain officers to collect fees ;

To transfer the records of civil causes from the city court to the circuit court of Mobile county ;

To authorize the judge of the city court of Mobile to transfer certain criminal causes to the circuit court of Mobile county for trial ;

And have passed Senate bill, for the relief of E. C. Milner, tax collector of Butler county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
January 29th, 1870. }

*Mr. President.*

The House has passed the following Senate bills :

To fix the time of holding the circuit court in the 8th judicial circuit ;

To amend and repeal subdivision ten (10), sec. 758, of the Revised Code ;

To fix the time of holding the courts in the fourth judicial circuit.

And have originated and passed the following bills :

To change and establish the line between the counties of Jackson and DeKalb ;

To authorize the appointment of an additional surveyor for Henry county ;

For the relief of Thos. B. Creagh of Marengo county ;

To pay the board of equalization of Madison county ;

And have concurred in the substitute to House bill, "fixing the time for making assessments ;"

Also, concurred in Senate amendment to House bill, to enable the commissioners courts of St. Clair and Walker counties, to erect bridges &c., and to make the same preferred claims against said companies ;

And have adopted Senate joint resolution in favor of a national postal telegraph system.

Respectfully,

W. B. CLOUD,  
Clerk.

At 12 o'clock, the special order came up, it being  
Joint memorial to Congress for the removal of political disabilities.

The question pending being on Mr. Lambert's substitute for the 4th paragraph,

Mr. Yordy moved to lay the memorial and amendment on the table.

Mr. Mabry asked for a division of the question, so as to lay the substitute on the table ;

Which motion was carried.

Mr. Coon offered a substitute for the whole subject.

Mr. Barr moved to lay said substitute on the table ;

Which motion was lost—Yeas 11, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Foster, Johnston, Lambert, Mabry, Miller, Pennington, Worthy, Wyman and Yordy—11.

Those who voted in the negative are—

Messrs. Coon, Farden, Hinds, Lentz, McAfee, McIntosh, Morton, Oliver, Sanford, Sibley, Whitney and Mr. President—12.

Mr. Foster moved to amend the substitute by striking out the preamble and all that refers to the 15th amendment.

Pending consideration of which motion,

Senate adjourned till 10½ o'clock Monday morning.

---

MONDAY, January 31, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Coon, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver,

Pennington, Royal, Sanford, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—25.

Journal of yesterday was read and approved.

Leave of absence for this day was granted to Mr. Hinds.

#### CALL OF THE DISTRICTS.

On the call of the districts, the following bills and resolutions were introduced :

By Mr. Whitney, for the relief of Lafayette Reed ;

By Mr. Royal, to regulate the appointment and authority of the guardians who may hereafter be appointed for Beau-regard and Kate Carter ;

By Mr. Farden, to declare null and void, certain judgments ;

Which bills were severally read twice and referred to the Judiciary Committee.

Mr. Whitney, to amend section 1476 of the Revised Code ;

To repeal section 1481 of the Revised Code ;

Which bills were severally read twice and referred to the Committee on Finance.

By Mr. Sanford, to repeal sections 6 and 7 of an act to regulate elections in the State of Alabama, approved October 8, 1868 ;

Which bill was read twice and referred to the Committee on Privileges and Elections ;

By Mr. Lambert, to declare members of the Board of Education ineligible to the office of county superintendent ;

Which bill was read twice and referred to a Select Committee, composed of Messrs. Lambert, Coon and Sibley.

By Mr. Pennington, to establish a new charter for the city of Opelika ;

Which bill was read twice and referred to a Select Committee, composed of Messrs. Pennington, Miller and Mabry.

By Mr. Pennington, to establish a special stock law for the counties of Chambers and Lee ;

Which bill was read twice and referred to the Committee on Agriculture and Manufactures.

By Mr. Mabry, to allow divorces for other causes than those now provided for ;

Which bill was read twice and laid on the table.

By Mr. Mabry, for the relief of Marcian A. Johnson of Barbour county ;

By Mr. Worthy, in relation to bills of exceptions ;

Which bills were severally read three times forthwith and passed.

By Mr. Stow, to establish public pounds in Montgomery county ;

Which bill was read twice and referred to the Committee on Agriculture and Manufactures.

By Mr. Wyman, resolution to authorize the Judiciary Committee to send for persons and papers in investigating the question of misappropriation of school funds in Mobile county ;

Which was read and adopted :

By Mr. Yordy, for the relief of Jerome C. Thompson, of Choctaw county ;

By Mr. Jones, to make Mrs. N. A. Felts, wife of W. H. Felts, and Mrs. Mary A. Carlisle, wife of Jasper C. Carlisle, all of Choctaw county, free dealers ;

Which bills were severally read twice and referred to the Committee on Grievances and Disabilities.

By Mr. Jones, resolution providing for a Select Committee to ascertain from the superintendent of public instruction, what is necessary further to put the free schools of the State into operation, &c. ;

Which resolution was adopted, and Messrs. Jones, Coon and Whitney, were appointed that committee.

By Mr. Barr, to authorize the Governor to fill vacancies in the office of chancellor in certain cases ;

Which bill was read twice.

Mr. Wyman offered a substitute for said bill.

Bill and substitute were referred to a Select Committee, consisting of Messrs. Barr, Whitney and Wyman.

By Mr. Worthy, to protect the public as well as railroad companies from loss or damage, occasioned by live stock upon the track of railroads ;

Which bill was read twice and referred to the Committee on Internal Improvements.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably to House bill—

To amend an act to repeal an ordinance to abolish the county of Baine ;

Which bill was read a third time and passed.

Yeas 21, nays 0.

Those who voted in the affirmative are—



Messrs. Barr, Farden, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Royal, Sanford, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—21.

Also, from the same committee, reported favorably, with amendments, to House bill—

To declare William Russell, of Geneva county, a citizen of Coffee county ;

Which amendments were adopted ;

And the bill read a third time and passed.

Yeas 20, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Royal, Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—20.

Also, from the same committee, reported favorably to the House bill—

To repeal an act to declare Joseph Harris a liner between the counties of Chambers and Lee ;

Said bill was then indefinitely postponed.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
January 31, 1870. }

*Mr. President :*

The house has originated and passed the following bills :

To increase the pay of grand and petit jurors in the county of Walker ;

To extend the powers of executors, administrators and guardians ;

To authorize the Tennessee and Coosa railroad company to unite and consolidate with the Jacksonville, Gadsden and Guntersville railroad company ;

To repeal so much of section 750 of the Revised Code of Alabama, as relates to time of holding the circuit courts in the 12th judicial circuit, and to fix the time of holding the circuit courts in the 12th judicial circuit ;

To amend chapter 3, and to repeal chapter 4, of title 2, of the Revised Code, establishing an institution for the deaf and dumb or blind persons of this State ;

To be entitled an act to authorize the solicitors of this State to issue subpoenas in certain cases ;

To be entitled, an act to make Elenor Matilda Brosse, a free dealer ;

To to be entitled an act to authorize circuit judges to grant writs of *mandamus* in vacation ;

To suppress mobs and mob-lawlessness ;

To relieve Thomas W. Meriwether, of Bullock county, from the disabilities of non-age ;

To be entitled an act to change the time of taking up the State docket in the county of Walker.

Respectfully,

W. B. CLOUD,  
Clerk.

At 12 o'clock, the special order came up, it being,  
Joint memorial to Congress for the removal of political disabilities ;

The question pending, being on Mr. Foster's amendment to Mr. Coon's substitute ;

Mr. Coon moved to lay Mr. Foster's amendment on the table ;

Which motion was lost.

Mr. Pennington moved to lay the substitute and amendment on the table ;

Which motion was lost—yeas 12, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Johnston, Jones, Lambert, McAfee, Mabry, Miller, Pennington, Royal, Stow, Worthy and Yordy—12.

Those who voted in the negative are—

Messrs. Coon, Farden, Lentz, McIntosh, Martin, Morton, Oliver, Sanford, Sibley, Wise, Whitney and Wyman—12.

Mr. Whitney moved to lay Mr. Foster's amendment on the table ;

Which motion was lost ;

On motion of Mr. Pennington, the substitute and amendments were laid on the table—yeas 15, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Johnston, Jones, Lambert, McAfee, Mabry, Martin, Miller, Pennington, Royal, Stow, Whitney, Worthy, Wyman and Yordy—15.

Those who voted in the negative are—

Messrs. Coon, Farden, Lentz, McIntosh, Morton, Oliver, Sanford, Sibley and Wise—9.

Mr. Farden offered a substitute, pending which,

Senate then adjourned till 10 o'clock to morrow-morning.

TUESDAY, February 1, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

# ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Royal, Sanford, Sibley, Stow, Wise, Whitney, Worthy, Wyman and Yordy—28.

Journal of yesterday was read, and approved.

Mr. Worthy offered a joint resolution, providing that the two Houses of the General Assembly adjourn *sine die* on Saturday the 5th instant;

Which was read, adopted and ordered forthwith to the House

House bills—

To establish a botanic medical board at Lebanon, DeKalb county;

To authorize Daniel Edwards to erect a dam and mill on Island Creek in Jackson county;

To make valid and permanent an act of the Commissioners' Court of Marshall county;

For the relief of George E. Sandling, of Morgan county;

Were severally read a third time and laid on the table.

House bills—

To incorporate the town of Wedowee;

To prohibit the sale or giving away of spirituous or vinous liquors, in or about the Cornwall Iron Works, in Cherokee county;

Were severally read a third time and passed.

House bill, to permanently locate the county seat of Russell county;

Was read a second time and referred to a select committee, composed of Messrs. Martin, Whitney, Royal, Lambert and Oliver.

House bill, to incorporate the town of Blountsville;

Was read a second and third time and passed.

House bills—

For the relief of James F. Taylor, of DeKalb county;

For the relief of Eliza Emily Spradling, of Tuskaloosa county ;

Were severally read a second time and laid on the table.

House bill, to prohibit the sale of spirituous liquors in or near Ashville ;

Was read a second time :

On motion of Mr. Mabry, section 1 was amended by substituting "one" for "five" before the word "hundred" ;

Mr. Oliver offered an additional section, 4. which was adopted ;

As amended, the bill was read a third time and passed.

House joint resolution, to restore the face of the capitol clock ;

Was read and laid on the table.

House bill, to change the county line between the counties of Hale and Marengo ;

Was read three times forthwith and passed—yeas 21, nays 0.

Those who voted in the affirmative are—

Messrs. Farden, Foster, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Oliver, Pennington, Sanford, Sibley, Stow, Wise, Worthy, Wyman and Yordy—21.

House bills—

To transfer the records of civil causes from the city court to the circuit court of Mobile county ;

To divide Geneva county into four commissioners districts ;

To legalize the acts of the commissioners' court in purchasing certain lands from Nimrod J. Tenderwood, for the purpose of erecting a poor house ;

To amend an act to incorporate the La Place Collegiate Institute in Macon county ;

Were severally read and ordered to a second reading.

House bill, to repeal sections 3690, 3691, 3692 and 3693 of the Revised Code ;

Was read twice and referred to the Judiciary Committee.

House bill, to relieve the Masons Life Association, of the State of Alabama, from taxation ;

Was read twice and referred to the Committee on Taxation.

House bill, to repeal an act to enable certain officers to collect their fees ;

Was read and laid on the table.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
February 1, 1870. }

*Mr. President :*

The House has originated and passed bills, to be entitled as follows :

To make Mrs. Mary E. Brown, and Mrs. M. L. Owens, of Montgomery county, free dealers ;

To increase the pay of grand and petit jurors, in the county of Dale ;

To authorize the judge of the city court, of Montgomery, to take up the criminal docket of said court, on the third week of the term ;

To make Susan E. Bunting, of Montgomery county, a free dealer ;

To authorize Joseph McCarnes, of the county of Walker, to erect a dam across Mulberry river, in said county ;

To remove the disabilities of non-age from Jno. McKee ;

For the relief of Forney Academy, in Blount county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 1, 1870. }

*Mr. President :*

The House has passed the following Senate bill :

For the relief of Louisiana Lester, of Russell county ;

And concurred in amendments to House bill,

To authorize the commissioners' court, of Sumter, to levy a special tax, for the purpose of working the roads in said county.

Very respectfully

W. B. CLOUD,  
Clerk.

Leave of absence was granted to Mr. Worthey.

House bill, to amend chapter 3, and to repeal chapter 4

of title 2 of the Revised Code, establishing an institution for deaf, dumb and blind persons of this State ;

Was read twice.

Mr. Jones moved to amend as follows :

*“Be it further enacted, That the aforesaid deaf, dumb and blind shall be received without distinction as to persons.”*

Consideration of said bill was continued until cut off by the special order.

At 12 o'clock the special order came up, it being :

Joint memorial to Congress, for the removal of political disabilities ;

The question being on Mr. Farden's substitute, and Mr. Farden entitled to the floor.

On motion of Mr. Pennington, said substitute was laid on the table.

Mr. Oliver moved to lay the joint resolution on the table ;

Which motion was lost—Yeas 7, nays 17.

Those who voted in the affirmative are—

Messrs. Coon, Farden, Hinds, Lentz, Morton, Oliver and Sibley—7.

Those who voted in the negative are—

Messrs. Glass, Johnston, King, Lambert, McAfee, Mabry, Martin, Pennington, Royal, Sanford, Stow, Wise, Whitney, Wyman and Yordy—17.

Mr. Coon offered a substitute as follows :

*Resolved by the Senate, (the House of Representatives concurring.)* That the Senators and Representatives of this State, in the Congress of the United States, are requested to use their influence for the removal of all disabilities from holding office imposed by the 14th article of the Constitution of the United States, in such manner as their judgment may dictate, when the proposed 15th article shall become a part of the organic law of the national government ;

Which substitute, on motion of Mr. Mabry, was laid on the table ;

Yeas 18, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Foster, Johnston, Jones, King, Lambert, McAfee, Mabry, Miller, Pennington, Royal, Sanford, Sevier, Stow, Wise, Whitney, Wyman and Yordy—18.

Those who voted in the negative are—

Messrs. Coon, Farden, Foster, Hinds, Lentz, McIntosh, Martin, Morton, Oliver and Sibley—9.

Mr. Worthy was excused from voting—1.

Mr. Whitney moved the previous question.

Mr. Barr, in the chair, ruled that there was no previous question ;

From which decision Mr. Whitney appealed, and the chair was sustained.

Mr. Sibley moved to amend as follows, to come in at the end of the joint resolution ;

Except those parties who were members of the cabinet of the United States, or members of Congress in 1861, and afterwards engaged in rebellion ; and parties who were educated at the expense of the nation, and afterwards bore arms against the government ;

Which amendment, on motion of Mr. Mabry, was laid on the table ;

Yeas 17, nays 10.

Those who voted in the affirmative are—

Messrs. Barr, Foster, Johnston, Jones, King, Lambert, Lentz, McAfee, Mabry, Martin, Miller, Pennington, Stow, Wise, Whitney, Wyman and Yordy—17.

Those who voted in the negative are—

Messrs. Coon, Farden, Glass, Hinds, McIntosh, Oliver, Royal, Sanford, Sevier and Sibley—10.

Mr. Farden moved to amend by way of a substitute.

Pending consideration of which,

Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, February 2, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal,

Sanford, Sevier, Sibley, Stow, Wise, Whitney, Wyman and Yordy—29.

Journal of yesterday was read and approved.

Mr. Sanford moved that the House be requested to return the Senate joint resolution relative to adjournment *sine die* on the 5th inst.;

Which motion was carried ;

Yeas 19, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Foster, Glass, Johnston, Jones, McAfee, McIntosh, Martin, Miller, Morton, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wyman and Yordy—19.

Those who voted in the negative are—

Messrs. Bromberg, Hinds, King, Lambert, Lentz, Mabry, Oliver, Stow and Whitney—9.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills, &c., were introduced.

By Mr. McAfee, to compensate solicitors under the revised constitution of Alabama ;

By Mr. Jones, to amend section 55 of the revenue laws of the State of Alabama ;

To incorporate the Demopolis banking house in the city of Demopolis ;

To allow all women in Alabama twenty-one years old to vote ;

Which bills were severally read and ordered to a second reading.

By Mr. Pennington, amendatory and supplementary to an act to provide for hospital patients at Talladega ;

Which bill was read three times forthwith and passed ;

Yeas 27, nays 2.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Pennington, Richards, Royal, Sanford, Sevier, Stow, Wise, Wyman and Yordy—27.

Those who voted in the negative are—

Messrs. Morton and Oliver—2.

By Mr. Stow, to re-imburse the county of Montgomery for maintenance of indigents belonging to other counties ;

Which bill was read twice.

Amendments were offered by Messrs. Bromberg and Farden ;



Bill and amendments were referred to a select committee, composed of Messrs. Stow, Bromberg, Farden, Wyman and McIntosh.

By Mr. Coon, for the relief of Lawrence Speed and others ;  
Which bill was read twice and referred to the Judiciary Committee.

By Mr. Coon, to establish the 13th judicial circuit ;  
Which bill was read twice and referred to a select committee, composed of Messrs. Coon, Jones, Wyman, McIntosh and Foster.

By Mr. Foster, to appoint the time for holding the chancery court for the county of Clarke ;

Which bill was read three times forthwith and passed.

By Mr. Miller, to authorize the commissioners court of Crenshaw county to levy a special tax for the purpose of building a court-house.

To authorize the commissioners court of Crenshaw county to borrow money and issue therefor, warrants upon the county treasurer, to be paid out of the special tax levied to build a court-house ;

Which bills were read twice and referred to the Committee on Taxation.

By Mr. King, to define and declare the compensation of the county commissioners of Dale county ;

Which bill was read three times forthwith and passed.

By Mr. Sanford, providing for the payment to the several counties of this State, what may be due from the school fund for the years 1866 and 1867 ;

Which bill was read twice and referred to the Committee on Finance.

House bill, to amend chapter 3 and to repeal chapter 4 of the Revised Code ;

Was read a third time and passed ;

Yeas 19, nays 3.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Hinds, Jones, Lambert, Lentz, McAfee, Mabry, Martin, Miller, Oliver, Pennington, Richards, Sanford and Sibley—19.

Those who voted in the negative are—

Messrs. Morton, Royal and Stow.—3.

Mr. Sevier was excused from voting—1.

Senate concurred in the amendments of the House to the Senate bill,

To re-organize the municipal government of the city of Mobile, and to provide for the election of officers thereof.

Senate also concurred in the amendment of the House to the Senate bill,

To authorize the holding of an election in Colbert county for the election of county officers.

Messages from the House, as follows :

HOUSE OF REPRESENTATIVES,        }  
February 2, 1870.        }

*Mr. President :*

The House of Representatives has originated and passed the following Senate bill :

To relieve Martha D. Moseley from the disabilities of marriage ;

Have amended and passed Senate bill,

To authorize the holding of an election in Colbert county for the purpose of electing county officers ;

Have adopted and passed a substitute to Senate bill,

To authorize the county treasurers of Elmore and Autauga counties to pay salaries in lieu of fees to the solicitors of said counties ;

Have concurred in the adverse report of the House committee on judiciary to Senate bill,

For the relief of Geo. W. Henderson ;

And have originated and passed the following bills :

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes ;

To amend an act incorporating the Choctaw male and female academy, approved January 31, 1866 ;

And have concurred in Senate amendment to House bill,

To authorize the commissioners court of Sumter county to levy a special tax upon the property in said county for the purpose of working the roads in said county ;

And herewith return to the Senate, as requested, Senate joint resolution as to adjournment.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 2, 1870. }

*Mr. President :*

The Senate has amended and passed Senate bill,  
To re-organize the municipal government of the city of  
Mobile, and to provide for the election of officers thereof.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 2, 1870. }

*Mr. President :*

The House has amended and passed Senate bill,  
To establish the city court of Eufaula.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 2, 1870. }

*Mr. President :*

The House has originated and passed a bill,  
To repeal an act entitled "An act to regulate lotteries,"  
approved December, 31, 1868.

Respectfully,

W. B. CLOUD,  
Clerk.

At 12 o'clock, the special order for that hour came up, it  
being :

Joint resolution to Congress for the removal of political  
disabilities ;

The question being on Mr. Farden's substitute ;

Mr. Hinds moved to lay the resolution and substitute on  
the table ;

Which motion was lost.

Yeas 10, nays 19.

Those who voted in the affirmative are—

Messrs. Coon, Glass, Hinds, Lentz, McIntosh, Morton, Oli-  
ver, Richards and Sibley—10.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Farden, Foster, Johnston, Jones, King, Lambert, McAfee, Mabry, Miller, Pennington, Royal, Sanford, Sevier, Wise, Whitney, Wyman and Yordy—19.

Mr. Oliver moved to amend as follows :

That the resolution shall apply only to those representatives in Congress from this State, who are pledged to a removal of political disabilities and not to the senator from North Alabama ;

On motion of Mr. Pennington, the substitute and amendment were laid on the table ;

Mr. Foster moved to amend as follows ;

Which was adopted.

*And be it further resolved*, That inasmuch as the act of Congress dated June 2d, 1862, imposes a test oath which bears heavily upon many good citizens who are in perfect accord with the best interests of the Federal Government, we would most respectfully request, that whenever the proposed amendment, known as Article Fifteen, shall have been adopted as a part of the Constitution of the United States, the Senators and Representatives in the Congress will use all proper means to cause its repeal.

Mr. Sibley offered the following amendment ;

Which was laid on the table :

*Provided*, That this resolution shall not be deemed to apply in favor of any of the people of Madison county, laboring under political disabilities.

Mr. Sevier moved to amend, as follows :

*Provided*, That all persons who rebelled or assisted the rebellion, whilst in office, and under oath to support the Constitution of the United States shall not be entitled to the benefits that the above resolution proposes ;

Mr. Coon moved to refer the whole subject to a Select Committee ;

Mr. Farden, to amend that motion by requiring said committee to report at 12 o'clock to-morrow ;

Mr. Mabry moved to lay the amendment and Mr. Coon's motion to refer on the table ;

A division was called for and the vote taken on tabling the motion to refer ;

Which motion was carried ;

Mr. Barr in the chair, decided that the last vote carried the joint resolution also, to the table ;

From which decision, Mr. King appealed, and the chair was not sustained ;

Mr. Sevier's amendment was then laid on the table ;

Joint resolution as amended, was adopted.

Yeas 17, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Farden, Foster, Glass, Johnston, Jones, King, Lambert, McAfee, Mabry, Miller, Pennington, Royal, Sanford, Wyman and Yordy—17.

Those who voted in the negative are—

Messrs. Coon, Hinds, Lentz, McIntosh, Morton, Oliver, Richards, Sevier, and Sibley,—9.

Mr. Jones from the Committee on Engrossed Bills, submitted the following

#### REPORT :

The Committee on Engrossed Bills, report bills correctly engrossed of the following titles :

To be entitled an act to confirm special order No. 96, issued from headquarters, third military district, dated Atlanta Ga., August 5th, 1869 ;

To be entitled an act to provide the officers of public instruction a room in the courthouse for the transaction of their official business ;

To be entitled an act to give the probate court of Montgomery county jurisdiction over the estate of James C Ray, deceased, late of Macon county ;

To be entitled an act for the relief of W. C. Thorn, of Franklin county, Alabama ;

For the relief of Archibald C. McIntyre ;

To be entitled an act for the relief of Hugh Montgomery ;

To be entitled an act to prevent the sale of spirituous liquors within one mile of Beulah Church in the county of Lee ;

To be entitled an act for the relief of John W. Oswalt ;

To be entitled an act for the relief of Samuel Logan and family of Coosa county ;

To be entitled an act for the relief of W. L. D. Pitts, of Perry county ;

To be entitled an act for the relief Robert A. Ross and James W. Hartsfield ;

To be entitled an act to provide for the election of Marshal for the city of Tuscaloosa ;

To be entitled an act to amend section 844 of the Revised Code ;

To be entitled an act to vest certain lands therein named, in the husband and widow of the estate of Isaac S. Ward, deceased, late of Cherokee county ;

To be entitled an act to fix the time of holding the circuit courts in the eleventh judicial circuit ;

To be entitled an act to relieve the chancellor of the northern chancery division from the necessity or obligation of holding two chancery courts annually, in the counties of Franklin and DeKalb ;

To be entitled an act to authorize the administrators of the estate of Gottlieb Breitling, deceased, to compromise debts due said estate ;

To be entitled an act for the relief of the poor of Coosa county ;

To be entitled an act annexing the county of Sanford to the third judicial circuit, and to fix the time to hold the circuit courts in certain counties in said judicial circuit ;

To be entitled an act to relieve Martha D. Mosely from the disabilities of marriage with Andrew B. S. Moseley ;

To be entitled an act to repeal an act to establish the city of Huntsville ;

To be entitled an act to authorize the State Treasurer to sell the specie in the treasury ;

For the relief of John S. Baugh ;

To be entitled an act declaring the effect of certain decrees in chancery ;

For the relief of Bryant H. McCulloch ;

To be entitled an act to authorize the county treasurers of Elmore and Autauga counties to pay salaries in lieu of fees, to solicitors of said counties ;

For the relief of John B. Boddie, of Marengo ;

For the relief of Mariah D. Jackson, of Pike county, Alabama ;

To be entitled an act to amend section 1074, of the Revised Code, Alabama ;

To be entitled an act to amend section 59 of the Revised Code ;

For the relief of Solomon E. Jordan, sheriff of Randolph county ;

To be entitled an act to authorize the Governor of the State of Alabama, to grant and cause to be issued letters patent for lots 1, 6, 7 and 8, &c. ;

To be entitled an act to constitute Clementine C. Constantine, of Greene county, a free dealer ;

To be entitled an act to allow Wash. G. Cain to sell real estate ;

To incorporate the Phoenix Fire Company, No. 2, of Eufaula, Alabama ;

To repeal a provision of section 3 of an act to adopt the law in relation to the incorporation of the city of Tusculumbia, approved December 23, 1868 ;

To be entitled an act for the relief of Henry B. Vincent of Autauga county ;

To allow the administrators of the estate of William M. Burgess, deceased, to sell real estate ;

To be entitled an act to authorize John R. Mott, to qualify as executor of the estate of James A. Chapman, deceased ;

To be entitled an act to authorize the Southern Life Insurance and Trust Company of Mobile, Alabama, to cease business, to realize its assets, and distribute its assets remaining after the payment of its debts among its stockholders ;

To be entitled an act to amend an act to establish an institution for the deaf and dumb ;

To be entitled an act for the relief of Isabella Frazier, a minor ;

To be entitled an act to amend an act, approved February 16th, 1867, entitled an act to incorporate the city of Eufaula ;

To be entitled an act to amend an act approved 26th January 1868, entitled an act to incorporate the schools of Loachapoka, in Macon county ;

To be entitled an act for the relief of Wm. D. Dawkins ;

To be entitled an act to amend section 2302 of the Revised Code of Alabama ;

To be entitled an act to remove the county seat of Greene county to Fairview, in said county ;

To revive, continue in force and amend an act entitled an act to incorporate the grand and subordinate divisions of the order of Sons of Temperance of the State of Alabama, approved, February 20, 1848 ;

To amend paragraph 2, of section 12 of the revenue laws of Alabama ;

To require A. B. Griffin, county treasurer of Lee county, to sign the bonds of said company to the Eufaula, Opelika, Oxford and Guntersville railroad, as required by the order of the court of county commissioners of said county ;

For the relief of John G. Burton, a minor ;

To make Elizabeth Brown, wife of Oliver C. Brown, of Bibb county, a free dealer ;

To make Lucy H. Dreyspring, of Montgomery county, a free dealer ;

To make Mrs. Mary Hines, of Coosa county, a free dealer ;

To incorporate the town of Greensboro, in the county of Hale ;

To declare Hurricane creek in Henry county, Alabama, a public highway ;

To provide for and regulate the payment of taxes by the Southern Express company and to amend sections 12 and 13 of the act entitled an act to establish revenue laws for the State of Alabama, approved Dec. 31st, 1868 ;

To amend and extend an act entitled an act to establish the Cane Brake Agricultural district, &c. ;

For the relief of Wm. G. Garrett of Talladega county ;

In relation to jurors of Barbour county ;

To authorize the judge of probate, of Lee county, to affix the seal of the court of probate of said county without affixing State stamps to the bonds of said county to the Eufaula, Opelika, Oxford and Guntersville Railroad ;

To incorporate the trustees of the Marion Presbyterian Church, in Perry county ;

To preserve good order at and around China Grove camp ground, in Dale county ;

To provide for paying the expenses of the joint committee to visit the penitentiary ;

To authorize railroads and express companies to sell and dispose of perishable and unclaimed freights ;

For the relief of E. C. Milner, tax collector, of Butler county ;

To amend section 2136 of the Revised Code ;

For the relief of the estate of Winfield Woolff, deceased ;

For the relief of Fred Kelley, and Jane Kelley, of Barbour county ;

To locate the county site of the county of Russell ;

For the relief of James Bradshaw, a minor of Dale county ;

For the relief of Louisiana Lester, of Russell county ;

To repeal an act, &c. ;

For the relief of Louisiana Lester, of Russell county ;

To establish the city court of Eufaula ;

Relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company ;



Relating to the place of meeting of the stockholders of the New Orleans, Mobile and Chattanooga Railroad Company;

To amend and repeal sub-division ten (10), section 750 of the Revised Code;

To further the improvement of the navigation of the Coosa River;

To remove the disabilities of non-age from Miss Alabama McDaniel, Thos. Cheney, of Marengo county, and Joseph W. Hartsfield, of Pike county, John M. Roquemore, and Isham L. Johnson, of Barbour county;

To amend the law of appeals;

To authorize Julia Knighton, of Cleburn county, to sell certain lands;

To establish a criminal court for the county of Montgomery with civil jurisdiction;

For the benefit of the estate of Joseph Pizzala, deceased, late of the city of Montgomery;

To lay off and divide the State of Alabama into twelve judicial circuits, and fix the time of holding the courts therein, approved Oct 6th, 1868;

To authorize Henry P. Smith, administrator, &c., to sell lands at private sale;

To amend an act entitled "An act to fix the time of holding the courts in the fourth judicial circuit;

To benefit the North and South Alabama Railroad Company;

To re-organize the eighth judicial circuit;

To establish the thirteenth judicial circuit in Alabama;

Joint resolution in favor of the establish of a national postal telegraph system;

To amend section 2892 of the Revised Code of the State of Alabama in relation to law of garnishment;

To authorize the holding of an election in Colbert county for the purpose of electing county officers therein;

To extend the provisions of section 3736 of the Revised Code of Alabama;

To incorporate the Warrior Bridge Pontoon and Ferry Company;

To fix the time of holding court in the seventh judicial circuit;

To amend section 1 of an act entitled "An act to amend section 1755 of the Revised Code of Alabama, so as to extend the provisions thereof to life insurance and mutual aid com-

panies," approved August 6, 1868, by including the provisions of said act to express and telegraph companies ;

To amend section 1064 of the Revised Code ;

To enable the administrator of the estate of Wm. T. Jenkins, deceased, to sell the real estate of said decedent ;

To amend section 1381, chapter 14, article 3, title 13. of the Revised Code of Alabama ;

To relieve George N. Calhoun, of Madison county, of the disabilities of minority ;

To change the boundary line between the counties of Marshall and Blount ;

To amend an act entitled " An act to amend sections 3, 8 and 13 of an act in relation to chancery courts in Alabama ;

To apply and extend the law of garnishment to causes in chancery ;

To authorize Eusebius C. Sheffield to settle with his guardian, and to act for himself as if of full age ;

To incorporate the Troy Hook and Ladder Company, No. 1, in the town of Troy, in Pike county ;

To make Mrs. Sidney Jones, of Lee county, Mrs. E. P. Parker, wife of Soc. Parker, of Sumter county ; Mrs. Adelaide M. Wadsworth, wife of Daniel Wadsworth, of Autauga county ; Mrs. Lavicy Morgan, wife of William Morgan, of Etowah county ; Mrs. Ross, wife of R. F. Ross, of Lee county, and Mrs. Jane C. Whitehead, wife of J. Pinkney Whitehead, of Fayette county, free dealers ;

To incorporate E. B. Young banking company, in the city of Eufaula, Alabama ;

To transfer certain legal documents and papers from the county of Franklin to the county of Colbert ;

To amend an act entitled " An act to incorporate the Factor's and Grocer's Marine and Fire Insurance Company, of Mobile," approved December 4th, 1863 ;

To attach the county of Colbert to the northern chancery division of the State of Alabama, which is to be known as the twelfth chancery district, and to fix the time of holding the court therein ;

To authorize the county commissioners of Butler county to levy a special tax for the purpose of repairing and enlarging the court-house of said county ;

To establish a chancery court for Hale county ;

For the relief of John C Phares, of Sumter county, from the disabilities of minority ;

To repeal an act entitled "An act to re-organize the Centreville Bridge Company ;

To establish an election precinct in Haw Ridge, in the county of Dale ;

To attach the county of Etowah to the fifth senatorial district ;

To make Catharine Maroney, wife of Thomas F. Maroney, of Baker county, a free dealer ;

For the relief of Roxy Lamar, of Autauga county ;

For the relief of Hampton Graham, late tax collector for the county of Calhoun ;

For the relief of Alfred Moore and his sureties ;

To continue in force an act entitled "An act to provide for the support of hospital patients at Talladega, Alabama," approved December 21st, 1868, to January, 1871 ;

For the relief of Richard Golson, of Autauga county, Alabama ;

To change the line between the counties of Elmore and Tallapoosa ;

To enlarge and extend the jurisdiction of courts of chancery ;

To declare Martha Howell, of Barbour county, and Martha Maroney, wife of P. D. Maroney, of Shelby county, free dealers ;

To incorporate the Grand Conclave of the order of Seven Wise Men, for the State of Alabama ;

For the relief of D. M. Jones, surviving partner of Latham & James ;

To carry into effect in Alabama the provisions of the seventh clause of consular convention between the United States of America and His Majesty the Emperor of the French, concluded on the 23d February, A. D., 1853 ;

For the relief of J. F. Ryan, a minor ;

For the relief of Marcian A. Johnston, of Barbour county, Alabama ;

In relation to weights and measures ;

Relating to bills of exceptions ;

Amendatory and supplementary to an act to provide for the support of hospital patients at Talladega ;

At his own request, Mr. Jones was relieved as Chairman of the Committee on Engrossed Bills, and Mr. Whitney was appointed in his place.

Mr Foster was appointed in place of Mr. Buckley on the Committee on Education.

Mr. Yordy, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To amend an act entitled an act to fix the time of holding the courts in the fourth judicial circuit ;

To fix the time of holding the circuit court in the eighth judicial circuit ;

Resolution in favor of the establishment of a National Postal Telegraph system ;

For the relief of Louisiana Lester, of Russell county ;

Joint resolution to provide for paying the expenses of the joint committee to visit the penitentiary ;

For the relief of E. C. Milner, tax collector of Butler county, Alabama ;

Mr. President laid before the Senate, a communication with sundry documents, from Dr. N. B. Cloud, superintendent of public instruction, in response to the Senate resolution of January 28, 1870 ;

Senate adjourned till 10½ o'clock to-morrow morning.

THURSDAY, February 3, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Richards, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Wyman and Yordy—30.

Journal of yesterday was read and approved.

Messrs. Stow, Wise and Whitney had their names recorded in favor of joint resolutions for the removal of political disabilities.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled—

To re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof.

## CALL OF THE DISTRICTS.

On the call of the districts, the following bills and joint resolutions were introduced :

By Mr. Sanford, to extend State aid to the Alabama and Georgia railroad company ;

Which bill was read twice and referred to the Committee on Internal Improvements.

By Mr. Pennington—

To amend section 1755 of the Revised Code ;

To repeal section 1811 of the Revised Code, and to substitute other sections therefor ;

By Mr. Coon—

Regulating appeals from justices of the peace in certain cases ;

To repeal section 18 of an act to incorporate the New Orleans, Mobile and Chattanooga railroad company ;

Which bills were severally read and twice and referred to the Judiciary Committee.

By Mr. Farden, to make the circuit clerks of Autauga and Elmore counties, *ex-officio* clerks of the county courts of said counties ;

Which bill was read twice ;

On motion of Mr. Yordy, the bill was amended, by adding "Sumter county ;

Bill was then referred to the Judiciary Committee.

By Mr. Farden, joint resolution for a joint committee to consider the expediency of purchasing a mansion for the Governor ;

Which was read and laid on the table.

By Mr. Coon, to provide for the security of holders of Insurance policies in this State ;

To regulate the agencies of Insurance companies not incorporated in this State ;

Which bills were severally read twice and referred to the Committee on Banks and Insurance.

By Mr. McIntosh, for the more thorough organization of the State Lunatic Asylum ;

By Mr. Yordy, for the relief of E. H. Ustick, late tax collector of Sumter county ;

Which bill was read twice and referred to the Committee on Accounts and Claims.

By Mr. Jones, to provide for the support of hospital patients at Demopolis ;

Which bill was read twice and referred to the Committee on Municipal and County Organizations.

By Mr. King, to provide for the removal of the jurisdiction of estates of decedents and minors to Bullock county ;

Which bill was read twice and referred to a Select Committee, consisting of Messrs. King, Royal and Sanford.

By Mr. King, to legalize the marriage between R. B. Newton and Sarah Black of Geneva county ;

Which bill was read three times forthwith and passed.

By Mr. Oliver, to better secure the exemption of real estate from levy and sale by any legal process ;

Which bill was read twice and referred to the Judiciary Judiciary Committee.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Wyman, from the select committee, reported favorably to Senate bill—

To establish a new charter for the city of Marion, Perry county ;

Which bill was read a third time and passed, and ordered forthwith to the House without being engrossed.

Mr. Barr, from the select committee, reported favorably to Senate bill—

To authorize the Governor to fill vacancies in the office of chancellor in certain cases ;

Mr. Foster offered a substitute to make it the duty of the Governor to order special elections to fill vacancies ;

Which substitute was laid on the table ;

On motion of Mr. Coon, the bill was amended, by striking out the words "appointed by law for chancellor," and by inserting the words "general in 1870 ;"

On motion of Mr. McAfee, the bill was further amended, by adding after "1870," the words, "and every year thereafter, and as often as vacancies occur" ;

Bill and amendments were recommitted to the same committee.

Mr. Barr was relieved from serving on sundry committees while acting as President, during the illness of Lieut-Governor Applegate.

Mr. Mabry, from select committee, reported a substitute for House bill—

To amend section 4 of an act to incorporate the Vicksburg and Brunswick railroad company ;

Which substitute was adopted, bill read a third time and passed.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed bills, which originated in the Senate, to be entitled as follows :

To amend an act entitled an act to fix the time of holding the courts in the fourth judicial circuit ;

To fix the time of holding the circuit court in the eighth judicial circuit ;

For the relief of E. C. Milner, tax collector of Butler county.

Very respectfully,

D. L. DALTON,  
Secretary.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
February 3, 1870. }

*Mr. President :*

The House has passed Senate bill—

To authorize the Governor to grant and cause to be issued letters patent for lots 1, 6, 7 and 8, &c.;

And have originated and passed the following bills :

To establish a criminal court for the county of Dallas ;

To prescribe the time for holding the chancery court in the 4th district of the Southern chancery division ;

And joint resolution for the relief of E. F. Jennings, T. C. Seward, John Hardy, Paul Strobach, James A. Reeves, Wm. Miller, I. D. Sibley, J. DeF. Richards and F. D. Wyman ;

And have concurred in Senate amendments to House bill, to prohibit the sale of liquors in or near the town of Ashville.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 3, 1870. }

*Mr. President :*

The house has originated and passed the following bills :

To authorize Eliza Ann Gaines, widow of Livingston Gaines, deceased, to sell the lands of said estate at private sale;

For the relief of Marshall Phillips, of Coffee county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 3, 1870. }

*Mr. President :*

The House has originated and passed the following bill :

To extend the jurisdiction, powers and duties of the harbor master, and port wardens, of Mobile.

Respectfully,

W. B. CLOUD,  
Clerk.

Leave of absence was granted to Messrs. Wise and Martin.

Mr. Lambert, from Select Committee, reported favorably to Senate bill,

To declare members of the board of education, ineligible to the office of county superintendent;

Mr. Farden offered a substitute, to include members of the General Assembly;

Mr. Whitney moved to lay the bill and substitute on the table;

A division of the question was asked for;

Senate refused to lay the bill on the table;

Mr. Whitney moved to indefinitely postpone the bill;

Pending consideration of which motion,

Senate adjourned till 10 o'clock to-morrow morning



FRIDAY, February 4, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Wyman and Yordy—31.

Journal of yesterday was read and approved.

Leave of absence was granted to Messrs. Wyman and Martin;

Mr. J. L. Harper was appointed as temporary Sergeant-at-Arms.

CALL OF THE DISTRICTS.

On the call of the districts, bills were introduced:

By Mr. Sevier, for the relief of W. S. Napier, of Franklin county;

Which bill was read three times forthwith and passed.

By Mr. Sevier, to authorize the making affidavits to claims filed against insolvent estates at any time previous to final settlement;

Which bill was read twice and referred to the Judiciary Committee.

By Mr. Sibley, to amend section 4092 of the Revised Code;

To amend section 4082 of the Revised Code;

Which bills were read twice and referred to the Judiciary Committee.

By Mr. Sanford, to regulate the charges of physicians and surgeons in this State;

Which bill was read twice.

Mr. Sevier moved to amend as follows:

The salaries of preachers, in this State, shall amount only to fifty dollars annually;

Mr. Farden moved to table the bill and amendment;

Mr. Sanford asked for a division in order to table the amendment ;

Which motion was carried ;

Senate refused to table the bill ;

Said bill was then referred to a select committee, composed of Messrs Sanford, Sevier, Foster, Morton and Farden.

By Mr. Farden, to amend an act, fixing the time of holding the courts in the second judicial circuit ;

Which bill was read three times forthwith and passed.

By Mr. Farden, to authorize James E. Elliott to sell spirituous or vinous liquors ;

Which bill was read twice, and consideration was cut off by reports of committees.

#### REPORTS FROM COMMITTEES.

Mr. Richards, from Select Committee, reported a substitute for Senate bill,

To authorize the Governor to fill vacancies in the office of chancellor in certain cases ;

Which substitute was adopted, the bill read a third time and passed.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably to House bill,

To repeal an act to change the boundary line between the counties of Chambers and Lee ;

Which bill, Mr. Farden in the chair, was ruled out of order ;

Mr. Wise appealed from said decision, and the chair was sustained.

Also, from the same committee, reported favorably to House bill,

To regulate county claims ;

Which bill was ordered to a third reading.

Also, from the same committee, reported favorably, with amendment, to the Senate bill,

To define the corporate limits of Livingston ;

Which amendment was adopted, the bill read a third time and passed.

Also, from the same committee, reported favorably to Senate bill,

To alter, arrange and designate the county boundaries between the counties of Washington and Choctaw, and between Choctaw and Sumter ;

Which bill was read a third time and passed—yeas 22, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McIntosh, Mahan, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow and Wise—22.

Those who voted in the negative are—

Messrs. Bromberg, McAfee, Mabry and Yordy—4.

Also, from the same committee, reported a substitute for Senate bill,

To remove the county site of Greene county, from Eutaw to Fairview, in said county ;

Which substitute was adopted.

Mr. Sevier moved to amend as follows :

*Provided*, That the question of removal shall first be left to the people ;

Said bill and amendment were made special order for 12 o'clock on Monday next.

Also, from the same committee, reported favorably to Senate bill,

To incorporate the town of Linden ;

Which bill was read a third time and passed.

Also, from the same committee, reported favorably to House bill,

Supplementary to an act forming the county of Geneva ;

Which bill was read a third time and passed ;

Yeas 22, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Glass, Hinds, Johnston, Jones, King, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Oliver, Richards, Sanford, Sibley, Wise, Wyman and Yordy—22.

Mr. Lambert was excused from voting—1.

Also, from the same committee, reported adversely to House bills,

To make Randolph Speddon a citizen of Hale county ;

To make Irvin Handley, a liner, a citizen of Covington county ;

To declare Adam Hurt, of Greene county, a citizen of Marengo county ;

To make David Forshee, of Covington county, a citizen of Conecuh county ;

Which reports were severally concurred in.

Also, from the same committee, reported favorably to House bill,

To repeal a certain act therein named ;

Which bill was read a third time and passed.

Also, from the same committee, reported favorably, with amendment, to House bill,

To amend the charter of Demopolis ;

Which amendment was adopted, the bill read a third time and passed.

Mr. Oliver, from the Committee on Grievances and Disabilities, reported favorably to House bills,

For the relief of W. J. Ledbetter, of Franklin county ;

For the relief of the citizens of Covington county ;

Which bills were sent back to the House for proper engrossment.

Also, from the same committee, reported favorably to House bill,

To authorize the Secretary of State to issue a patent to Matthew Bronson ;

Which bill was read a third time and passed.

Also, from the same committee, reported adversely to House bill,

For the relief of A. H. and Elizabeth Creamer, of Covington county ;

Which report was concurred in.

Also, from the same committee, reported favorably to Senate bills,

To authorize persons holding claims against railroad companies for damages to transfer said claims ;

To authorize executors and administrators to sell stock in the Selma and Meridian railroad at private sale ;

For the relief of Thomas H. Bradford, administrator of the estate of T. D. Hall, deceased ;

Which bills were severally read a third time and passed.

Also, from the same committee, reported adversely to Senate bill,

For the relief of John W. Coleman, of Greene county ;

Which report was not concurred in ;

Bill was lost on final passage.

Also, from the same committee, reported adversely to Senate bill,

For the relief of Samuel D. Durham ;

For the relief of J. B. Billingsley ;

Which reports were severally concurred in.

Also, from the same committee, reported favorably to Senate bill,

For the relief of Jerome C. Thompson, of Choctaw county ;  
Which bill was read a third time and passed.

Also, from the same committee, reported favorably, with amendment, to Senate bill,

To make Mrs. Felts and Mrs. Carlisle, free dealers ;

Which amendment was adopted, the bill read third time and passed.

Mr. Farden, from the Committee on Printing, reported favorably to Senate bill,

To regulate the publication of legal and other notices in Dale county ;

Which bill was amended to include Walker, Jefferson, St. Clair, Coosa, Tallapoosa and Franklin counties ;

As amended, the bill was read a third time and passed.

Also, from the same committee, reported favorably to Senate bill,

To repeal an act as far as Franklin county is concerned, &c. ;  
Which bill was laid on the table.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
February 4th, 1870. }

*Mr. President :*

The House has amended and passed Senate bill,

To fix the times of holding the circuit courts in the 11th judicial circuit ;

And have originated and passed the following bills :

For the relief of certain parties therein named ;

To authorize justices of the peace to appoint overseers of roads and other purposes in the county of Marion ;

And passed Senate bill,

To establish a new charter for the town of Marion.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 4, 1870. }

*Mr. President :*

The House has originated and and passed the following bill :

Making an appropriation to pay teachers, who taught schools during the scholastic years of 1866 and 1867.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 4, 1870. }

*Mr. President :*

The House has originated and passed a bill,  
To establish a charter for the city of Troy.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Miller, from the Committee on Banks and Insurance, reported adversely to Senate bill,

To amend an act to incorporate the Deposit Savings Association of Mobile ;

Which report was concurred in ;

Also, from the same committee, reported favorably to Senate bill,

To amend paraprph 2 of section 12 of the revenue laws of Alabama ;

Pending consideration of which,

Senate adjourned till 7 p. m.

NIGHT SESSION.

Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Glass, Jones, Lambert, Lentz, Oliver, Pennington, Royal, Sanford, Sibley, Stow and Wise—12.

Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY, February 5, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—29.

Journal of yesterday was read, corrected and approved.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled—

To provide for holding an election in Colbert county, for the purpose of electing the county officers thereof ;

Mr. Farden gave notice, that he would move to amend the rule of the Senate which sets apart Tuesday and Saturday of each week for the consideration of House bills, by striking out Tuesday,

Which lies over one day.

Senate bill, amended by the House, to authorize the county treasurer of Autauga and Elmore counties to pay salaries in lieu of fees to county solicitors ;

Was taken up ;

On motion of Mr. Farden, the House substitute was amended, by striking out all that refers to the solicitor of Elmore county ;

Thus amended, the House substitute was concurred in.

Senate concurred in House amendments to Senate Bills—

To establish the city court of Eufaula ;

To fix the times of holding the circuit court in the 11th judicial circuit ;

To provide tract books for the new counties ;

Sundry bills were ordered back to the House for proper engrossment.

House bill, to regulate county claims ;

Was read a third time and laid on the table.

House bills—

For the relief of W. J. Ledbetter ;

For the relief of certain citizens of Covington county ;  
 Were severally read a third time and passed,  
 House bills—

To amend an act to incorporate La Place Collegiate Institute ;

To divide Geneva county into four commissioners districts ;

To legalize the acts of the commissioners' court in purchasing certain lands from N. S. Tenderword, for a poor house ;

To transfer the records of civil causes from the city court to the circuit court of Mobile county ;

To make Martha Whithorn, a free dealer ;

To relieve T. W. Meriwether of Bullock county ;

To increase the pay of grand and petit jurors in Walker county ;

Were severally passed.

House bill, to change and establish the boundary line between the counties of Jackson and DeKalb ;

Was read a third time and referred to the Committee on Municipal and County Organizations.

House bills—

Explanatory of the corporation laws of Alabama ;

To revive trials in certain cases before justices of the peace in the city of Montgomery ;

To amend section 4397 of the Revised Code ;

To make Elenor Matilda Bross, a free dealer ;

To suppress mobs and mob lawlessness ;

To change the time of taking up the State docket in the county of Walker ;

To authorize solicitors of this State to issue subpoenas in certain cases ;

Were severally read twice and referred to the Judiciary Committee.

House bill, to extend the jurisdiction, powers and duties of the harbor master and port wardens of Mobile ;

Was read twice and referred to the Committee on Finance.

House bill, to amend an act to establish a system of Internal Improvements in the State of Alabama ;

Was read twice and referred to the Committee on Internal Improvements.

House bills—

To relieve Matthew Spann from the penalties for illegal voting ;

To empower the commissioners court of Baldwin county, to issue bonds for purposes therein named ;

Were severally read and ordered to a third reading.



House bill, for the relief of certain parties in Bibb county ;  
Was read twice and referred to the Committee on Taxation.

House bills—

For the relief of W. L. Jean, of Sanford county ;

For the relief of Wm. Franklin and Zemly Matthews, of Fayette county, legalizing their marriage ;

To authorize appeals in bankruptcy, of either party after judgment ;

To declare Jefferson M. Clay, a liner between the counties of Dallas and Autauga, a citizen of Dallas ;

To extend the powers of executors, administrators and guardians ;

Were severally read twice and laid on the table.

House bill, to repeal an act to amend an act, to incorporate the Stafford mills, approved Oct. 10, 1868 ;

Was read twice ;

On motion of Mr. McIntosh, the bill was amended as follows :

*Provided*, This act shall not take effect till January, 1871 ;

Thus amended, the bill was read a third time and passed.

House bill, to define the duties of Chancellors in this State ;

Was read twice ;

On motion of Mr. Worthy, the bill was amended, by adding before the word "to" in section 1, the words, "organize forthwith and" :

Thus amended, the bill was read a third time and passed.

House bill, to amend an act to incorporate the town of Ozark, the county seat of Dale county ;

Was read twice and referred to a select committee, composed of Messrs. King, Whitney and Hinds.

#### HOUSE JOINT RESOLUTION

Making an appropriation to pay the Sergeant-at-Arms of the House for summoning witnesses ;

Was read twice and referred to the Committee on Fees and Salaries.

House bill, making an appropriation to pay teachers for the years 1866 and 1867 ;

Was read twice and referred to the Committee on Education.

Senate reconsidered the vote by which it concurred in the adverse report to House bill,

To legalize the acts, contracts, suits and transactions, to which T. L. Holstein may hereafter become a party ;  
Said bill was read a third time and passed.

House bill, to regulate the practice of the circuit court of Mobile ;

Was read twice.

Senate refused to suspend the constitutional rule in order to give the bill a third reading forthwith ;

Bill was ordered to a third reading.

Messages from the House, as follows :

HOUSE OF REPRESENTATIVES,  
February 5, 1870. }

*Mr. President :*

The House has passed Senate bill,

To amend an act entitled an act, to establish revenue laws for the State of Alabama,

And amended and passed Senate bill,

To provide tract books for its new counties ;

And have originated and passed bills to be entitled as follows :

To establish a system of internal improvements in the State of Alabama ;

To remand trials in certain cases before justices of the peace, in the city of Montgomery ;

For the relief of certain parties in Bibb county ;

Explanatory of the corporation laws of Alabama ;

To empower the commissioners' court, of the county of Baldwin, to issue bonds for purposes therein named ;

For the relief of William L. Jean, of Sanford county ;

For the relief of William Franklin and Zimly Mathews, of Fayette county, legalizing their marriage ;

To incorporate the Stafford Mills, approved Oct. 10, 1868.

To define the duties of chancellors in this State ;

To amend section 2860 of the Revised Code ;

To authorize appeals in bankruptcy of either party after judgment ;

To remove the administration of the estate of James W. Hall, from Marengo county to Wilcox county ;

To relieve Matthew Spann from the penalties for illegal voting ;

To make Mrs. Martha Whitehorn, of Lee county, a free dealer ;

To incorporate the town of Ozark, the county seat in Dale county ;

To amend section 4397 of the Revised Code ;

To declare Jefferson M. Clay, a liner between the counties of Dallas and Autauga, a citizen of Dallas county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 5, 1870. }

*Mr. President :*

The House has originated and passed the following joint resolution :

Making an appropriation to pay the Sergeant-at-Arms, of the House, for services in summoning witnesses ;

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock Monday morning.

---

MONDAY, February 7, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—27.

Journal of Saturday was read, and approved.

Leave of absence was granted to Mr. McAfee, and also to Chaplain McCutchen.

Mr. Farden's resolution, offered on Saturday, was taken up, and laid on the table.

Mr. Yordy, from the Committee on Enrolled bills, reported as follows :

The Committee on Enrolled bills reports as correctly enrolled, bills of the following titles :

To authorize the Governor of the State of Alabama to grant and cause to be issued letters patent for lots 1, 6, 7 and 8, &c.;

To relieve Martha D. Moseley from the disabilities of marriage with Andrew B. S. Moseley ;

To provide tract books for new counties.

Mr. Sevier, at his own request had his name stricken from the journal of the Senate as voting nay on the

Joint resolution for the removal of political disabilities.

Senate bill, to authorize James E. Elliott to sell spirituous or vinous liquors ;

Was referred to the Committee on Grievances and Disabilities.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills, &c., were introduced :

By Mr. Stow, to amend section 1 of an act to amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

Which bill was read twice and referred to the Committee on Roads and Public Highways.

By Mr. Coon, to provide for the final distribution and appropriation of the three per cent. fund ;

Which bill was read twice.

Mr. Oliver moved to lay the bill on the table ;

Which motion was lost ;

Yeas 6, nays 17.

Those who voted in the affirmative are—

Messrs. King, Lambert, Mahan, Oliver, Royal, Sanford and Sevier—7.

Those who voted in the negative are—

Messrs. Coon, Farden, Glass, Hinds, Jones, Lentz, McIntosh, Mabry, Martin, Miller, Pennington, Richards, Sibley, Stow, Wise, Whitney, and Yordy—17.

Said bill was referred to the Committee on Internal Improvements, and 150 copies ordered to be printed.

By Mr. Coon, memorial to Congress in behalf of the Selma, Rome and Dalton Railroad Company ;

Which was read and adopted.

By Mr. Coon, to authorize the Governor to endorse the

bonds of the Montgomery and Eufaula Railroad Company to to the extent of \$20,000 per mile ;

Which was read twice.

Mr. Lambert moved to amend as follows :

*Provided further*, That the Savannah and Memphis Railroad shall come under the provisions of this act ;

Bill and amendment were referred to the Committee on Internal Improvements.

By Mr. Coon, to aid in developing the resources of the State ;

Which bill was read twice and referred to the Committee on Agriculture and Manufactures.

By Mr. Yordy, to transfer the county of Walker from the western to the northern chancery division :

To amend section 750 of the Revised Code ;

Which bills were severally read twice and referred to the select committee on judicial districts.

By Mr. Jones, to amend section 3598 of the Revised Code ;

Which bill was read and ordered to a second reading ;

By Mr. Bromberg, to better enable laborers, mechanics and employees to collect debts due them for work and labor done ;

Which bill was read twice and referred to the Judiciary Committee.

By Mr. Worthy, concerning the estate of William H. Smith, deceased ;

To make Nancy Vanzandt, of Calhoun county, a free dealer ;

By Mr. Lentz, to incorporate the town of Mooresville, Limestone county ;

By Mr. Mahan, to authorize the commissioners court of Bibb county to issue bonds, and for other purposes ;

To amend section 750 of the Revised Code ;

Which bills were severally read three times and passed.

By Mr. Sevier, providing for amendments to the constitution of Alabama ;

Which bill was read twice and referred to a select committee, composed of Messrs. Bromberg, Whitney, Jones, Mahan, and Lambert.

By Mr. Hinds, in behalf of the Mediterranean and Oriental Steam Navigation Company, of New York ;

Which bill was read twice and referred to a select committee, composed of Messrs. Whitney, McIntosh, Coon, Pennington, Miller, Worthy and Sibley, and 150 copies ordered to be printed.

By Mr. Hinds, to establish a new charter for the town of Decatur, Morgan county ;

Which bill was read twice and referred to a select committee, composed of Messrs. Hinds, Whitney and Yordy.

By Mr. Pennington, joint resolution to raise a joint committee to propose amendments to the constitution of the State, to the General Assembly ;

Which was read.

By Mr. Jones, to regulate the pay of grand and petit jurors of Marengo county ;

Which was read and ordered to a second reading.

Senate bill, to incorporate the E. B. Young banking house, at Eufaula ;

Was referred to the Committee on Banks and Insurance.

Senate bill, to remove the county seat of Greene county from Eutaw to Fair View ;

Was amended by adopting Mr. Sevier's amendment ;

As amended, the bill was read a third time and passed.

Senate bills—

To amend section 12 of an act to incorporate the Warrior Bridge Pontoon and Ferry Company ;

To amend an act to amend an act to lay off and divide the State into 12 judicial circuits, &c. ;

To amend an act to incorporate the Factor's and Grocer's Insurance Company, of Mobile ;

To amend section 2892 of the Revised Code in relation to the law of garnishment ;

To fix the time of holding the courts in the seventh judicial circuit ;

To amend an act to amend section 1755 of the Revised Code, so as to extend the provisions of that act to express and telegraph companies ;

To amend section 1064 of the Revised Code ;

Were severally read a third time and passed.

Senate bill, to re-organize the eighth judicial circuit ;

Was read a third time and laid on the table.

Senate bill, to benefit the South and North Alabama Railroad Company ;

Was taken up on its third reading.

Mr. Worthy moved to lay the bill on the table for the present ;

Which motion was lost.

Mr. Sanford, to make the bill special order for 12 o'clock on Friday next ;

Which motion was lost ;

Said bill was then made special order for 12 o'clock on Wednesday next.

Senate bill, to attach the county of Etowah to the fifth senatorial district ;

Was read a third time and lost.

On motion of Mr. Bromberg, said vote was reconsidered ;  
Bill was then read a third time and passed ;

Yeas 12, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, Lentz, McIntosh, Martin, Pennington, Sevier, Wise and Whitney—12.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, Mahan, Miller, Oliver, Sanford, Sibley, Worthy and Yordy—9.

Mr. Pennington offered the following,

Which was adopted:

*Resolved*, That the whole of Thursday and Friday of this week be devoted exclusively to the consideration of the reports of standing and select committees.

Mr. Farden offered a joint resolution providing for adjournment *sine die* at 12 o'clock M., on Saturday, 12th inst.;

Which was laid on the table.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
February 7, 1870. }

*Mr. President :*

The House has passed Senate bill,

To transfer certain legal documents and papers from the county of Franklin to the county of Colbert ;

To authorize the Governor to fill vacancies in the office of chancellor in certain cases ;

And originated and passed the following bills :

For the relief of the assessor of taxes of Montgomery and Barbour counties ;

To provide for the completion of the geological survey of the State ;

To amend an act entitled " An act to abolish fencing in certain portions of Montgomery county ;

To amend an act to revive and amend an act to incorporate the Alabama Mining and Manufacturing Company ;

To empower the commissioners court of Dale county to district said county in precincts, and number the same ;

To amend an act to incorporate the town of Mount Hope, in Lawrence county ;

For the relief of Francis M. Barnett and A. Jerry Bowen, of Montgomery county, and Marshall Phillips, of Coffee county, from the disabilities of minority ;

For the relief of those therein named ;

To incorporate the Villa of Cornwall, in Cherokee county, investing the inhabitants thereof with all the powers, rights and privileges given, granted or secured to municipal corporations under chapter 1, part 1, title 14, of the Code ;

Fixing the compensation of the treasurer of Clarke county.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock to morrow morning.

TUESDAY, February 8, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Leutz, McAtee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—30.

Journal of yesterday was read and approved.

Leave of absence was granted to Messrs. Lambert and Royal.

Mr. Stow, from the Committee on Finance, reported favorably to House bill—

To extend the bonds of the State of Alabama, due in London 1st January, 1870 ;

Which bill was read a third time and passed.

Message from the Governor, as follows ;

Which was read and 1000 copies ordered to be printed :



EXECUTIVE DEPARTMENT,  
Montgomery, February 8, 1870. }

*Gentlemen of the Senate and*

*House of Representatives :*

I have this day approved and signed a bill to be entitled, "An act to reorganize the municipal government of the city of Mobile, and to provide for the election of the officers thereof." I am aware that it is not usual for the Executive to communicate to the General Assembly the reasons which induce his favorable action on a bill. Nor do I propose to do so, at any considerable length, in this instance.

My mind is not entirely free from doubt as to the constitutionality of the bill referred to. But as this doubt does not amount to a positive conviction, I consider it nothing but right that the benefit of it should be given to the General Assembly.

Before the passage of this bill, there was no law in force which made any provision for a municipal election in Mobile. Without some legislation, therefore, the people of that city would have been indefinitely deprived of the privilege of electing their own officers. I should have much preferred a bill providing for an immediate election. Our institutions are based upon the right of the people to choose their own public servants. This right extends to cities and towns as well as to counties and States. Under the bill, however, which I have just approved, there will be an election in Mobile for city officers within less than one year from this time ; and I am unwilling to interpose objections which might defer the period when the people of that city will have the opportunity of exercising those elective rights which properly belong to them in common with the people of other cities. For this reason, I have regarded it a duty to give the bill my official approval.

WILLIAM H. SMITH.

Mr. Worthy offered the following ;  
Which was read and adopted :

*Resolved*, That the thanks of the Senate are due to the Governor of the State of Alabama, for the terms in which his message is couched touching his approval of the act "to

re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof."

House bills—

To relieve Matthew Spann from the penalties of illegal voting ;

To empower the commissioners court of Baldwin county to issue bonds for purposes therein named ;

Were severally read a second time and ordered to a third reading.

House bills—

To provide for the completion of the geological survey of the State ;

To amend an act to abolish fencing in certain portions of Montgomery county ;

To amend an act to incorporate Mount Hope, in Lawrence county ;

To authorize Joseph McCarnes, of Walker county, to erect a dam across Mulberry river ;

To authorize justices of the peace to appoint overseers of roads, and for other purposes, in Marion county ;

To prescribe the time for holding the chancery court in the 4th district of the Southern division ;

Were severally read and ordered to a second reading.

House bills—

To establish a new charter for Troy ;

Fixing the compensation of the treasurer of Clarke county ;

To repeal so much of section 750 of the Revised Code, as relates to the time of holding the circuit courts in the 12th judicial circuit, and to fix the time of holding the circuit courts in said circuit ;

To authorize Eliza Ann Gaines, widow of Livingston Gaines, deceased, to sell the lands of said estate at private sale ;

Were severally read three times forthwith and passed.

House bills—

To incorporate the Villa of Cornwall, in Cherokee county, &c. ;

For the relief of those therein named ;

Were severally read twice and referred to the Committee on Agriculture and Manufactures.

House bill, for the relief of the assessors of taxes of Montgomery and Barbour counties ;

Were read twice and referred to the Committee on Taxation.

House bill, to incorporate the town of Tnskegee ;

Was read twice and referred to the Committee on county and Municipal Organizations ;

House bills—

To authorize the judge of the city court of Mobile to transfer, in certain cases, criminal causes to the circuit court of Mobile county, for trial ;

For the relief of certain parties therein named ;

Incorporating the Choctaw Male and Female Academy ;

Were severally read twice and referred to the Judiciary Committee.

House bill, to authorize the Tennessee and Coosa Railroad Company to consolidate with the Jacksonville, Gadsden and Guntersville Railroad Company ;

Was read twice and referred to the Committee on Internal Improvements.

House bill, to make Susan E. Bunting a free dealer ;

Was read twice ;

On motion of Mr. Yordy, said bill was amended by including Mrs. Caroline A. Bell, wife of B. B. Bell, of Sumter county ;

As amended, the bill was read a third time and passed.

House bills—

To remove the disabilities of non-age of John McKee ;

To authorize the judge of the city court of Montgomery county to take up the criminal docket of said court on the third week of the term ;

Were severally read and laid on the table.

House bill, to make Mrs. Mary E. Brown, and Mrs. M. L. Owen, of Montgomery county, free dealers ;

Was read twice.

On motion of Mr. Whitney, the bill was so amended as to include Mrs. Elizabeth Hughes, of Montgomery county ;

Thus amended, the bill was read a third time and passed.

House bill, to repeal an act entitled an act to regulate lotteries, approved December 31, 1868 ;

Was read ;

Senate refused to suspend the constitutional rule in order to give the bill a second reading forthwith ;

Ordered to a second reading.

#### HOUSE JOINT RESOLUTION

For the relief of E. F. Jennings, T. C. Stewart, John Hardy, Paul Strobach, James A. Reeves, William Miller, I. D. Sibley, J. DeF. Richards, and F. D. Wyman ;

Was read twice and referred to the Committee on Accounts and Claims.

House bill, to repeal an act to prohibit the sale of spirituous liquors within two miles of the academy and church near Alfred Collins', in DeKalb county ;

Was read a second time and referred to the Committee on Grievances and Disabilities.

### Messages from the House.

HOUSE OF REPRESENTATIVES, }  
February 8, 1870. }

*Mr. President :*

The House has amended and passed Senate bill,

To expedite the construction of the railroad of the Alabama and Chattanooga Railroad Company.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 8, 1870. }

*Mr. President :*

The House orders the following Senate bills returned to the Senate for proper engrossment :

To prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;

To repeal an act, &c. ;

And have passed Senate bills,

Relating to bills of exceptions ;

For the relief of Marcian A. Johnston, of Barbour county ;

To provide for the support of hospital patients at Talladega ;

To change the boundary line between the counties of Elmore and Tallapoosa ;

Relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company ;

To make Mrs. Mary Hines, of Coosa county, a free dealer ;

For the relief of Mary West, of Barbour county ;

To amend section 1381, chapter 14, article 3, title 13 of the Code ;

For the relief of the estate of Winfield Woolf, deceased ;

~~And amended and passed~~ Senate bill,

To make Elizabeth Brown, of Bibb county, a free dealer ;  
 And originated and passed a bill,  
 To repeal an act to prevent the sale of spirituous liquors  
 in Shelby county.

Respectfully,

W. B. CLOUD,  
 Clerk.

Senate took up Senate bill, to expedite the construction of  
 the railroad of the Alabama and Chattanooga Railroad Com-  
 pany, within the State of Alabama, as amended by the House ;

The first amendment was read ;

Mr. Bromberg moved to postpone the further consideration  
 of the bill and amendments till Thursday next ;

Mr. Barr, in the chair, decided said motion out of order,  
 pending motion to concur in said first amendment ;

Mr. Bromberg appealed from said decision and the chair  
 was sustained ;

And the first amendment was concurred in—

Yeas 23, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston,  
 Jones, King, Lentz, McIntosh, Mahan, Martin, Miller, Morton,  
 Oliver, Pennington, Richards, Royal, Sanford, Sibley, Wise,  
 Whitney and Worthy—23.

Mr. Yordy voted in the negative—1.

Messrs. Bromberg, McAfee, Mabry, Sevier and Stow, were  
 excused from voting.

The second amendment was read and concurred in—

Yeas 26, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Johnston,  
 Jones, King, Lentz, McIntosh, Mabry, Mahan, Martin, Miller,  
 Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier,  
 Sibley, Stow, Wise, Whitney and Yordy—26.

Mr. Bromberg voted in the negative—1.

The third amendment was read ;

Mr. Bromberg moved to postpone the further consideration ;  
 Which motion was laid on the table ;

And the third amendment was concurred in.

Yeas 25, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds,  
 Johnston, Jones, King, Lentz, McIntosh, Mabry, Mahan,

Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley Wise and Whitney—25.

Those who voted in the negative are—

Messrs. McAfee, Stow, Sevier and Yordy—4.

The 4th amendment was read and concurred in.

Yeas 26, nays 2.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, Lentz, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—26.

Those who voted in the negative are—

Messrs. Bromberg, and Stow—2.

Mr. McAfee was excused from voting—1.

The 5th amendment was read and concurred in.

Yeas 25, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, McIntosh, Mabry, Martin, Miller, Mahan, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Wise, Whitney and Worthy—25.

Those who voted in the negative are Mr. Yordy—1.

Messrs. Bromberg, McAfee, Sevier and Stow, were excused from voting—4.

The 6th amendment was read and concurred in.

Yeas 28, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Pennington, Richards, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—28.

Messrs. McAfee and Stow were excused from voting—2.

The 7th amendment was read and concurred in.

Yeas 26, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—26.

Mr. Oliver voted in the negative—1.

Messrs. Bromberg, McAfee and Stow, were excused from voting—3.

The bill, as amended, was then passed.

Yeas 24, nay 1.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lentz, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Royal, Sanford, Wise, Whitney and Worthy.—24.

Mr. Bromberg voted in the negative—1.

Messrs. McAfee, Sevier, Sibley, Stow, and Yordy, were excused from voting—5.

Senate bill, to expedite the construction of railroads in the State of Alabama ;

Was made special order for 10½ o'clock to-morrow morning.

Mr. Mabry, from Select Committee, reported favorably to Senate bill—

To aid the Vicksburg and Brunswick railroad company ;

Which bill was made special order for 1 o'clock to-morrow morning.

Mr. Sanford, from the Committee on Municipal and County Organizations,

Reported favorably, with amendments, to House Bill—

To amend an act to remove the county seat of Marengo county from Demopolis to Linden ;

Which amendments were adopted ;

The bill was read a third time and passed.

Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, February 9, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—30.

Journal of yesterday was read and approved.

Mr. McAfee was granted leave to spread his protest on the journal, against the passage of the bill, to aid the Alabama and Chattanooga railroad company.

Mr. Martin, at his own request, was allowed until 10 o'clock next Tuesday, to report upon House bill—

To ratify the location of the county seat of Russell county ;

Mr. Whitney, from the Committee on engrossed bills, reported sundry bills as correctly engrossed.

Mr. Yordy, from the Committee on Enrolled bills, reported as follows :

The Committee on enrolled bills report as correctly enrolled, bills of the following titles :

To amend an act entitled an act to establish revenue laws of Alabama ;

To authorize the Governor to fill vacancies in the offices of chancellor in certain cases ;

To loan the credit of the State of Alabama to the Alabama and Chattanooga railroad company for the purpose of expediting the construction of the railroad of said company within the State of Alabama.

Mr. Martin introduced a bill, for the benefit of Russell county ;

Which was read twice and laid on the table.

At 10½ o'clock, the special order for that hour came up, it being :

Senate bill, to expedite the construction of railroads in the State of Alabama ;

The question pending, being on Mr. Farden's amendment, as section 17 ;

Which amendment was laid on the table ;

Mr. Coon, from the Committee on Internal Improvements, reported favorably to House bill,

To amend an act to establish a system of internal improvements in the State of Alabama ;

The bill, which was special order, was recommitted to the Committee on Internal Improvements, with instructions to report in five minutes.

Mr. Bromberg, from select committee, reported favorably to Senate bill,

Providing for amendments to the constitution of the State of Alabama ;

Which bill was ordered to a third reading.

Mr. Coon, from the Committee on Internal Improvements, reported favorably, with amendments, to Senate bill,

To expedite the construction of railroads in the State of Alabama ;



Which bill was finally recommitted to the same committee, with instructions to report at 10½ o'clock to-morrow morning.

House bill, on the same subject, was also recommitted to same committee, with same instructions.

At 12 o'clock, the special order for that hour came up, it being,

Senate bill, for the benefit of the South and North Alabama Railroad Company ;

Which bill was on its third reading.

Sundry amendments were offered by Messrs. Pennington, Coon, Lambert, Worthy, Hinds and Morton ;

Bill and amendments were referred to the Committee on Internal Improvements, with instructions to report at 10½ o'clock to-morrow morning.

A select committee, composed of Messrs. Pennington, Bromberg and Richards, was appointed to ascertain where the blame rests as to the incorrect engrossing of Senate bills.

#### GENERAL ORDERS.

Senate bill, to make Catharine Maroney a free dealer ;

Was read a third time and passed.

Senate bills—

For the relief of Roxy Lamar ;

For the relief of Alfred Moore and his sureties ;

For the relief of Richard Golson ;

For the relief of S. F. Ryan ;

To amend paragraph 2, section 12, of the revenue laws ;

Were severally read a third time and laid on the table.

Senate bill, to incorporate the Grand Conclave of the order of the "Seven Wise Men," for the State of Alabama ;

Was read a third time and referred to the Judiciary Committee.

At 1 o'clock, the special order for that hour came up, it being,

Senate bill, to aid the Vicksburg and Brunswick Railroad Company ;

Which was laid on the table for the present.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

To authorize the holding of an election in Colbert county for the purpose of electing county officers therein ;

To provide tract books for new counties ;

To relieve Martha D. Moseley from the disabilities of marriage ;

To authorize the Governor of the State of Alabama to grant, and cause to be issued, letters patent for lots 1, 6, 7 and 8, being 320 acres of land, more or less, of the 16th section, in township 22, of range 6, east, to Joseph T. McGhee and Mrs. Mary E. Armstrong, wife of M. M. Armstrong, adults and heirs at law of Joseph McGhee, deceased.

Very respectfully,

D. L. DALTON,  
Secretary.

#### Messages from the House :

HOUSE OF REPRESENTATIVES, }  
February 9, 1870. }

*Mr. President :*

I am directed by the House to return bills to be entitled as follows, for proper engrossment :

To amend section 1064 of the Revised Code of Alabama ;

To locate the county site of the county of Russell ;

To carry into effect in Alabama the provisions of the 7th clause of the consular convention between the United States of America and His Majesty the Emperor of the French, concluded on the 23d February, A. D. 1853.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 9, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To amend section 3 of an act to repeal an act entitled " An act to abolish the city court of Huntsville ;

To authorize the commissioners court of roads and revenue of the county of Madison, to pay the assessor.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 9, 1870 }

*Mr. President :*

The House has originated and passed a bill,  
To order a special election in the county of Macon.  
Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 9, 1870. }

*Mr. President :*

I am directed by the House to return Senate bills to be entitled as follows, for proper engrossment :

To amend section 1 of an act entitled "An act to amend section 1755 of the Revised Code of Alabama, so as to extend the provisions thereof to life insurance and mutual aid companies," approved August 6th, 1868, by extending the provisions of said act to express and telegraph companies ;

To amend section 2392 of the Revised Code of the State of Alabama in relation to the law of garnishment.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 9th, 1870. }

*Mr. President :*

I am directed by the House to return Senate bills to be entitled as follows, for proper engrossment :

To relieve George N. Calhoun, of Madison county, of disabilities of minority ;

For the relief of John C. Phares, of Sumter county, from the disabilities of minority.

Very respectfully

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 8, 1870. }

*Mr. President :*

I am directed by the House to return Senate bills to be entitled as follows, for proper engrossment :

To incorporate the Troy Hook and Ladder Company, No. 1, in the town of Troy, in Pike county ;

To apply and extend the law of garnishment to causes in chancery.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate bill, to declare members of the board of education ineligible to the office of county superintendent ;

Was taken up on its second reading as unfinished business ;

Senate refused to postpone indefinitely ;

Mr. Whitney offered an engrossed rider,

Which was ruled out of order ;

On motion of Mr. Hinds, the bill was laid on the table—

Yeas 18, nays 12.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lentz, McIntosh, Martin, Oliver, Richards, Royal, Sibley, Wise and Whitney—18.

Those who voted in the negative are—

Messrs. Bromberg, Lambert, McAfee, Mabry, Mahan, Miller, Pennington, Sanford, Sevier, Stow, Worthy and Yordy—12.

Mr. Coon, from the Committee on Internal Improvements, reported a substitute for Senate bill,

To authorize the Governor to endorse on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company ;

Which substitute was adopted and made special order for 10 o'clock to-morrow morning.

The Select Committee, to ascertain where the blame rests for incorrect engrossment of Senate bills, made a verbal report ;

Mr. McAfee moved that the committee report a resolution for the expulsion of the engrossing clerk.

Senate bill, to provide for the annexation of West Florida, Was made special order for 1 P. M. on Friday next.

Mr. Sevier was relieved from the Committee on Engrossed Bills.

Mr. Whitney was relieved as chairman of the same committee, and Mr. Farden was appointed chairman.

Senate adjourned till 10 o'clock to-morrow morning.

THURSDAY, February 10, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, and Yordy—31.

Journal of yesterday was read and approved.

Mr. Sevier, from the Committee on Fees and Salaries, reported favorably to House joint resolution,

Making an appropriation to pay the expenses of the Sergeant-at-Arms of the House in summoning witnesses ;

Said resolution was recommitted to the same committee.

Mr. Bromberg offered a resolution providing for a committee of three to investigate into the tampering with Senate bills ;

Which was adopted ;

Messrs. Bromberg, Worthy and Miller, were appointed said committee.

Message from the House, as follows :

HOUSE OF REPRESENTATIVES, }  
February 10, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To amend section 1759 of the Revised Code ;

To make Victoria Harris, of Macon county, a free dealer ;

To alter and amend the charter of the town of Camden, Wilcox county ;

To prohibit the sale or giving away of spirituous liquors within two miles of Rock Mills Cotton Factory in Randolph county ;

To authorize the judge of the city court of Mobile to transfer certain criminal causes to the circuit court of Mobile county ;

For the relief of James M. Griffin, of the county of Chambers ;

Declaratory of the objects, powers and rights of building and loan associations ;

To repeal all acts authorizing lotteries in this State ;

For the relief of George D. Noble, of Montgomery county, from the disabilities of minority ;

To repeal an act entitled "An act to incorporate the Tus-kaloosa Scientific and Art Association ;

To repeal an act entitled "An act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color ;

For the relief H. H. Hopkins, of Jackson county ;

For the relief of Eliza Emily Spradling, of Tuskaloosa county ;

For the relief of the Mobile Manufacturing Company ;

To repeal a certain act therein named ;

For the relief of the estate of Burwell T. Pope, deceased, late judge of the 12th judicial circuit of the State of Alabama ;

To prescribe the time for holding the chancery court in the 4th district of the southern chancery division ;

To declare Wm. D. Morgan and Henry Morgan, of Autauga county, citizens of Baker county, and to change the boundary lines between said counties ;

To make Susan C. Caldwell, of Macon county, a free dealer ;

For the relief of James W. Smith, a minor, of the county of Chambers ;

Supplemental to an act fixing the time of holding courts in the fifth judicial circuit, approved December 15th, 1869 ;

To change the name of the Alabama Transit Company ;

To amend an act to incorporate the Mobile Wine Com-pany ;

To make Anna E. Fox, of Russell county, Elizabeth G.

**Read, of Lee county, and Elizabeth C. Buchanan, of Russell county, free dealers ;**

To amend section 2860 of the Revised Code ;

To remove the administration of the estate of James W. Hall from Marengo to Wilcox county ;

For the relief of poll tax payers ;

For the relief of Wm. Snider, of Tuskaloosa county ;

For the relief of C. H. May, ex-sheriff of Russell county ;

To authorize Anna S. Prince, administratrix of O. T. Prince, deceased, to sell certain lands ;

For the relief of Joseph Johnston, of Tallapoosa ;

For the relief of Leonard W. Godbold, a minor ;

To amend an act to incorporate the Baptist Female Institute at Moulton, approved February 7, 1852 ;

To confer jurisdiction upon the probate court of Dallas county over the estate of Nancy L. Shearer, deceased, who was a daughter of Christopher H. Osborn, late of Dallas county, deceased, and who, at the time of her death, was an inhabitant of Autauga county ;

To relieve Willis B. Walker, of Choctaw county, from the disabilities of non-age ;

To repeal an act to prevent the sale of spirituous liquors within one mile of Elliottsville, in Shelby county ;

For the relief of Frank Simmons, of Lawrence county ;

For the relief of the owner of the mill in the town of Tuscumbia, in the county of Colbert, and known heretofore as Geise's mill ;

For the relief of the heirs and distributees of J. H. Stanley, deceased, late of Lawrence county, in this State ;

To provide for the payment of services rendered *ex officio* by the sheriff of Marion county ;

To make Mrs. Caroline A. Bell, wife of B. B. Bell, of Sumter county, a free dealer ;

To raise the *per diem* of the grand and petit jurors of Jefferson county ;

To relieve George Connelly, of the county of Montgomery, from the pains and penalties imposed upon persons who marry more than once ;

To legalize the marriage between Wm. L. Anthony and Judy Haley, of Marion county ;

For the relief of M. C. Berge, of Marengo county ;

To define the duties of the courts of the county commissioners of Franklin and Colbert counties ;

To authorize the Memphis and Charleston Railroad Company to raise money for the purposes of the road ;

To facilitate the repairs of public roads in Marengo, Wilcox, Randolph, and Macon counties ;

Prohibiting the sale of spirituous liquors within two miles of the institute situated at six mile post in Bibb county ;

To compensate the county commissioners of Jefferson county ;

To declare Elvira W. Jones, wife of Wm. E. Jones, of Greene county, a free dealer ;

To make Mrs. B. J. Noble, and Henrietta Sternfield, free dealers ;

To authorize the treasurer of Dallas county, to pay the late judge of the city court of Selma ;

To remove the administration of the estate of Thomas M. Johnston ;

To make Eliza Pipkin a free dealer.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Coon, from the Committee on Internal Improvements, reported favorably, with amendments, to the Senate bill,

To expedite the construction of railroads in the State of Alabama ;

The bill was considered section by section ;

The first section was adopted ;

The second section was read ;

The first amendment of the committee to this section was adopted.

Mr. Pennington offered the following amendment,

Which was adopted :

*Provided*, That the endorment provided for in this act shall not apply to any railroad company that has heretofore received an endorsement under existing laws ;

The third amendment of the committee was adopted ;

The fourth amendment of the committee was adopted.

On motion of Mr. Jones, the second section was amended by inserting in the second line before the word " under," the words " or which may hereafter be incorporated."

Mr. Mabry moved to amend the second section in the fifteenth line by substituting " 100 " for " 30 " ;

Mr. Sibley moved to amend said amendment by inserting " unless such road of 40 miles be a connecting link of other railroads more than 100 miles long" ;



Which amendment and amendment to the amendment were laid on the table.

Mr. Lambert moved to strike out " 30 " and insert " 45 " ;

Which motion was laid on the table ;

Yeas 16, nays 14.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Lentz, McIntosh, Martin, Morton, Pennington, Sibley, Stow and Whitney—16.

Those who voted in the negative are—

Messrs. Bromberg, Jones, King, Lambert, McAfee, Mabry, Mahan, Miller, Oliver, Richards, Sanford, Sevier, Worthy and Yordy—14.

Mr. Farden moved to amend as follows,

Which motion was lost :

Unless such road of 30 miles be a connecting link of other railroads more than 100 miles long ;

Mr. Mabry moved to strike out " 30 " and insert " 70 " ;

Mr. Worthy moved to amend said motion by striking out " 70 " and insert " 40 " ;

Which motion was carried ;

The amendment thus amended was then adopted ;

Yeas 21, nays 9.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Farden, Glass, Hinds, King, Lambert, Lentz, McIntosh, Miller, Morton, Oliver, Pennington, Richards, Royal, Sevier, Stow, Wise, Worthy and Yordy—21.

Those who voted in the negative are—

Messrs. Farden, Johnston, Jones, McAfee, Mabry, Mahan, Martin, Sanford and Sibley —9.

Mr. Jones moved to amend in line 33 by striking out the words " and consenting to " ;

Which motion was laid on the table.

Mr. Lambert moved to add at the close of section 2 :

*Provided*, That the proceeds of the bonds endorsed by the State shall be applied to the further construction of said roads.

Which motion was lost.

Mr. Jones moved to amend as follows :

By appointing a commissioner who shall be required to investigate, in person, into the length of said railroads and make affidavit of such to the Governor ;

Which amendment was laid on the table.

Mr. Oliver moved to amend as follows :

*Provided*, That if any railroad company now engaged in the construction of the first twenty miles of their railroad have anticipated their first mortgage bonds in the payment of work or materials for said first section, that they be relieved from the restriction of this act upon the payment for said materials and work out of other resources of said first mortgage bonds ;

Pending consideration of which, at 3¼ o'clock p. m.,  
Senate then adjourned till 10 o'clock to-morrow morning.

FRIDAY, February 11, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—31.

Journal of yesterday was read and approved.

Indefinite leave of absence was granted to Mr. Jones.

Leave of absence was also granted to Messrs. Hinds and Bromberg.

Mr. Yordy, from the Committee on Enrolled Bills, reported sundry bills as correctly enrolled.

At 10½ o'clock, the special order for that hour came up, it being :

Senate bill, to expedite the construction of railroads in the State of Alabama ;

The question pending, being on Mr. Oliver's amendment offered on yesterday.

Mr. Coon moved to lay said amendment on the table ;

Which motion was lost ;

And Mr. Oliver's motion was lost ;

Yeas 11, nays 18.

Those who voted in the affirmative are—

Messrs. Bromberg, Jones, King, Lambert, McAfee, Mahan, Oliver, Sanford, Sevier, Sibley and Worthy—11.

Those who voted in the negative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Lentz, McIntosh, Mabry, Martin, Miller, Morton, Pennington, Richards, Royal, Stow, Wise, Whitney, and Ycrdy—18.

On motion of Mr. Whitney, the Senate reconsidered the vote adopting Mr. Jones' amendment to second line of section two.

On motion of Mr. Jones, the second line of section two was amended before the word "under," as follows:

"Or which may be incorporated by 1st April, 1870";

On motion of Mr. Whitney, the Senate reconsidered the vote by which "30" was stricken out and "40" inserted.

Mr. Yordy moved to insert "thirty."

Mr. Lambert moved to amend said amendment by inserting "35";

Which was adopted;

And then the second section, as amended, was adopted.

All of the amendments of the committee to section three were adopted;

And section three, as amended, was adopted.

Sections 4, 5, 6, 7, 8 and 9 were adopted without amendment.

Amendment of the committee to section 10 was adopted;

And section 10, as amended, was adopted.

Sections 11 and 12 were adopted without amendment.

Amendment of the committee to section 13 was adopted;

And section 13, as amended, was adopted.

Amendments of the committee to section 14 were adopted;

And section 14, as amended, was adopted.

Mr. Mabry moved to amend the amendment of the committee to section 15, as follows:

*Provided, however,* That the provisions of this section shall not apply as to any road receiving State endorsement under this act until after the completion of said road;

Which amendment was laid on the table.

The amendment of the committee to section 15 was not adopted;

Section 15 was then adopted without amendment.

The amendment of the committee striking out section 16 was adopted.

The title of the bill was altered to read,

To furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State;

The bill, as amended, was then read a third time under suspension of the constitutional rule and passed ;

Yeas 31, nays 1.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, Jones, King, Lambert, Lentz, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—31.

Mr. McAfee voted in the negative—1.

At 11 o'clock, the special order for that hour came up, it being,

Senate bill, to authorize the Governor to endorse, on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company ;

Said bill was then made special order for 11 o'clock on Monday next.

At 1 o'clock, the special order for that hour came up, it being,

Senate bill, to provide for the annexation of West Florida to the State of Alabama ;

Which was laid over for the present.

Mr. Sevier, from the Committee on Fees and Salaries, reported favorably to House joint resolution,

Making an appropriation to pay the sergeant-at-arms of the House for services in summoning witnesses ;

Which was ordered to a third reading.

Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY, February 12, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—28.

Journal of yesterday was read and approved.

Senate concurred in the amendment of the House to the Senate bill—

To make Elizabeth Brown, wife of Oliver C. Brown of Bibb county, a free dealer.

#### JOINT RESOLUTION

Making an appropriation to pay the sergeant-at-arms of the House for services in summoning witnesses ;

Was read a third time and passed ;

Yeas 23, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Johnston, King, Lentz, McIntosh, Mabry, Mahan, Martin, Morton, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney and Yordy—23.

Those who voted in the negative are—

Messrs. Lambert, McAfee, Oliver, Stow, and Worthy—5.

House bills—

To empower the commissioners court of Baldwin county, to issue bonds for purposes therein named ;

To authorize Annie S. Prince, deceased, to sell certain lands ;

To make Mrs. Barbary J. Noble, wife of George W. Noble, and Henrietta Sternfield, of Montgomery county, a free dealer ;

To make Susan C. Caldwell, of Macon county, free dealers ;

To make Victoria L. Harris, of Macon county, a free dealer ;

Were severally read three times forthwith and passed.

House bill, to relieve Matthew Spann from the penalties of illegal voting ;

Was read three times and passed ;

Yeas 17, nays 5.

Those who voted in the affirmative are—

Messrs. Coon, Farden, Glass, Hinds, Johnston, King, Lentz, Martin, Morton, Pennington, Richards, Sanford, Sibley, Stow, Wise, Whitney and Yordy—17.

Those who voted in the negative are—

Messrs. Lambert, McAfee, Mahan, Oliver and Worthy—5.

House bills—

To repeal an act to regulate lotteries ;

To amend an act to abolish fencing in certain portions of Montgomery county ;

Were severally read a second time and laid on the table.

Mr. Mabry offered the following ;

Which was adopted :

*Resolved*, That a committee of 7 be appointed by the President of the Senate, to investigate the conduct and action of the commissioner of lotteries, with power to send for persons and papers ;

Under which resolution, Messrs. Mabry, Hinds, Whitney, McIntosh, Yordy and Morton, were appointed.

House bill, for the completion of the geological survey of the State ;

Was indefinitely postponed ;

Yeas 25, nays 0.

Those who voted in the affirmative are—

Messrs. Coon, Foster, Glass, Hinds, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Worthy and Yordy—25.

House bill, to authorize Joseph McCarnes, of Walker county, to erect a dam across Mulberry river, in said county ;

Was read a second time and referred to the Committee on Municipal and County Organizations.

House bill, to repeal an act to authorize justices of the peace to appoint overseers of roads in Marion county ;

Was read a second time and referred to the Committee on Roads and Public Highways.

House bill, to prescribe the time for holding the chancery court in the 4th district of the southern division ;

Was read a second time and referred to the Committee on Judicial Districts.

House bill, to remove the administration of the estate of James Hall, deceased, from Wilcox county ;

Was read three times forthwith and passed.

House bill, for the relief of the Mobile Manufacturing company ;

Was read and ordered to a second reading.

House bills—

For the relief of Eliza Emily Spradling ;

For the relief of William Snider ;

For the relief of James M. Griffin ;

Were severally read twice and indefinitely postponed.

House bill, to declare Elvira W. Jones, wife of William E. Jones, of Greene county, a free dealer ;

Was read twice ;

On motion of Mr. Whitney, it was amended, so as to include Mrs. Lucy H. Dreyspring, of Montgomery county ;

As amended, the bill was read a third time and passed.

House bills—

To make Eliza Pipkin, of Bullock county, a free dealer ;

To amend an act to incorporate the Protestant Episcopal church, in the diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers and other destitute persons ;

Were read three times forthwith and passed.

House bill, to make Anna E. Fox, of Russell county ; Elizabeth G. Read, of Lee county, and Elizabeth C Buckner, of Russell county, free dealers ;

Was read twice ;

On motion of Mr. McIntosh, the bill was amended, so as to include Mrs. Sarah T. Johnson, wife of Samuel L. Johnson, of Greene county ;

As amended, the bill was read a third time and passed.

House bill,

To amend the charter of the city of Montgomery ;

Was read twice ;

Mr. McAfee moved to amend, as follows :

*Provided*, That the said city of Montgomery shall be liable for the principal and interest of all bonds which have been heretofore issued by said city for railroad stock or other purposes, and which have been negotiated to *bona fide* purchasers for valuable consideration, anything in this charter to the contrary notwithstanding ;

Bill and amendment, were referred to a select committee, composed of Messrs. Stow, Farden and McAfee.

Mr. Richards offered the following ;

Which lies over one day :

*Resolved*, That the rule of the Senate for the "Call of the Districts" be dispensed with on Monday next, and that the time of the morning hour be devoted to the reports of committees in their regular order.

Mr. Miller, from the Committee on Engrossed Bills, reported as follows :

The Committee on Engrossed bills, reports as correctly engrossed, bills of the following titles :

To repeal an act entitled an act to establish a mutual aid

association, and to raise funds for the common school system of Alabama, approved October 10, 1868 ;

To repeal an act entitled an act to incorporate the Tuska-loosa Scientific and Art Association for the purpose of encouraging science and art, and aiding the University of the State in replacing its library, and establishing a scientific museum ;

To define the corporate limits of Livingston, in Sumter county ;

To repeal an act entitled an act to establish the Mobile Charitable Association, for the benefit of the common school fund of Mobile county, without distinction of color, approved December 31, 1868 ;

To furnish the credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

Message from the Governor, as follows :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

To authorize the Governor to fill vacancies in the office of chancellor in certain cases ;

To loan the credit of the State of Alabama to the Alabama and Chattanooga railroad company, for the purpose of expediting the construction of the railroad of said company within the State of Alabama.

Very respectfully,

D. L. DALTON,  
Secretary.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
February 12, 1870. }

*Mr. President :*

The house has originated and passed the following bills :

In reference to the incorporation of the orphans home of the Synod of Alabama ;

To amend an act to incorporate the Protestant Episcopal church, in the diocese of Alabama, and to enable said church to



provide for the orphans and widows of soldiers and other destitute persons ;

To amend the third section of an act to incorporate the annual Alabama Conference of the M. E. Church ;

And concurred in Senate amendments to House bill—

To amend an act to provide for the removal of the county seat of Marengo county.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock Monday morning.

---

MONDAY, February 14, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lambert, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Foster, Glass, Hinds, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Stow, Wise, Whitney, Worthy and Yordy—29.

Journal of Saturday was read and approved.

Mr. Richards' resolution to suspend the "Call of the Districts" for this day, was adopted.

Mr. Yordy, from the Committee on Enrolled bills, reported as follows :

The Committee on Enrolled Bills, report as correctly enrolled, the following bills :

To amend section 1381, chapter 14, article 3, title 13, of the Revised Code of Alabama ;

To make Mrs. Mary Hines, of Coosa county a free dealer ;

For the relief of Mary West, of Barbour county, Alabama ;

To establish a new charter for the town of Marion, in the county of Perry ;

To transfer certain legal documents and papers from the county of Franklin to the county of Colbert.

## REPORTS FROM STANDING COMMITTEES.

Mr. Miller, from the Committee on Banks and Insurance, reported adversely to House bill—

To amend an act to amend section 1755 of the Revised Code of Alabama, so as to extend the provisions thereof to Life Insurance and Mutual Aid companies," approved August 6, 1868, so as to extend the provisions thereof to fire, river, and marine insurance companies ;

Which report was concurred in.

Also, from the same committee, reported adversely to Senate bill—

To incorporate the E. B. Young Banking company, at Eufaula ;

Which report was concurred in.

Also, from the same committee, reported favorably, with amendment, to Senate bill,

To raise a fund for the benefit of the Fire Companies in Mobile ;

Which amendment was adopted ;

The bill was read a third time and passed.

Also, from the same committee, reported adversely to Senate bill,

To amend section 1, of an act to incorporate the Woodville Insurance company ;

Which report was concurred in.

Mr. Bromberg, from the Committee on Rules and Regulations, reported back, with an amendment, the rules previously reported to the Senate ;

Which amendment to rule 29 was adopted ;

Report was then laid on the table.

Mr. Sanford, from the Committee on Taxation, reported favorably to House bill,

To authorize the commissioners' court of Escambia county to levy a special tax for county purposes ;

Which bill was read a third time and passed.

Also, from the same committee, reported favorably to House bill,

To relieve the Masons' Life Association of the State of Alabama from Taxation ;

Which bill was read a third time and passed ;

Yeas 25, nays 1.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Foster, Glass, Hinds, Johnston, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Miller, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—25.

Mr. Oliver voted in the negative—1.

Mr. King was excused from voting—1.

Also, from the same committee, reported favorably to Senate bills,

To authorize the commissioners' court of Crenshaw county to levy a special tax to build a court house ;

To authorize the commissioners' court of Crenshaw county to borrow money and issue warrants therefor, to be paid out of special tax levied to build court house ;

Which bills were severally read a third time and passed.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

An act to establish the city court of Eufaula ;

To change the boundary line between the counties of Elmore and Tallapoosa.

Very respectfully, your ob'dt serv't,

D. L. DALTON,  
Secretary.

At 12 o'clock the special order for that hour came up, it being Senate bill,

To authorize the Governor to endorse on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company ;

Mr. Sevier offered additional section 6 ;

Which was adopted.

Mr. Worthy offered additional section 7 ;

Which was adopted.

Mr. Miller offered additional section 8 ;

Which was adopted.

Mr. Oliver moved to amend as follows :

*Be it further enacted*, That in consideration of the aid granted by this act, said railroad company shall be required to transport passengers at a rate not to exceed four cents per

mile, and local freight at a rate not to exceed twenty-five per cent. higher than is charged for through freight.

Mr. Worthy offered a substitute for said amendment ;

Which was adopted ;

And Mr. Worthy's amendment was adopted.

Mr. Coon offered an additional section,

Which was adopted ;

And the bill, thus amended, was read a third time under suspension of the constitutional rule, and passed ;

Yeas 20, nays 9.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Hinds, Lambert, Lentz, Martin, Miller, Pennington, Richards, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—20.

Those who voted in the negative are—

Messrs. King, McAfee, McIntosh, Mabry, Mahan, Morton, Oliver, Royal and Sanford—9.

Mr. Bromberg moved to reconsider said vote.

Mr. Sibley moved to lay said motion on the table ;

Which was carried.

At 1 o'clock, the special order for that hour came up, it being,

Senate bill, to provide for the annexation of West Florida to the State of Alabama ;

The consideration of which was postponed, and the bill made special order for 12 o'clock on to-morrow.

Mr. Stow, from select committee, submitted a majority favorable report on House bill,

To amend the charter of the city of Montgomery.

Mr. McAfee submitted a minority report on the same bill ;

Pending consideration of which,

Senate then adjourned till 10 o'clock to-morrow morning.

Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY, February 15, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Murrah, of the House.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Johnston, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney Worthy and Yordy—30.

Journal of yesterday was read and approved.

Mr. Yordy, from the Committee on Enrolled Bills, reported as follows :

The Committee on enrolled bills, report correctly enrolled, the following bills:

To remove the disabilities of non-age from Miss Alabama McDaniel and others ;

Amendatory and supplementary to an act to provide for the support of hospital patients in Talladega ;

To make Elizabeth Brown, wife of Oliver C. Brown, of Bibb county, and others, free dealers.

Messrs. Glass, Johnson and Royal, presented a protest against the passage of the bill—

To authorize the Governor, on the part of the State, to endorse the first mortgage bonds of the Mobile and Montgomery railroad company ;

Which the Senate refused to have spread on the journal as not being altogether respectful to the Senate ;

Yeas 12, nays 14.

Those who voted in the affirmative are—

Messrs. Farden, Foster, King, McAfee, McIntosh, Mabry, Mahan, Morton, Oliver and Sanford—12.

Those who voted in the negative are—

Messrs. Bromberg, Buckley, Coon, Hinds, Lambert, Lentz, Martin, Miller, Pennington, Sevier, Sibley, Whitney, Worthy and Yordy—14.

House bill, to amend act for the relief of the Mobile Manufacturing company ;

Was read a second time and ordered to a third reading.

House bill, to define the duties of the court of county commissioners of Franklin and Colbert counties, in relation to the indebtedness of Franklin up to the organization of Colbert ;

Was read three times forthwith and passed.

Mr. Bromberg, from the select committee, submitted the following report :

*To the President of the Senate of Alabama :*

SIR : Your select committee, to whom was referred the subject of alleged tampering with engrossed and enrolled bills originating in the Senate, have had the same under consideration; and

#### REPORT :

That the bill "engrossed a bill to be entitled an act to reorganize the municipal government of the city of Mobile, and provide for the election of the officers thereof," has been fraudulently altered.

The alterations consist in the addition of the following words to section one, namely :

"*Provided*, this shall not apply to the tax assessor and city engineer"; and in the erasure in section eleven of the words "tax assessor."

The testimony shows that the words "povided this shall not apply to the tax assessor and city engineer," in section one of the engrossed bill, and the erasure of the words tax assessor in section eleven of the same, were not the results of the action of either branch of the General Assembly, but were the results of fraudulent alterations made after the third reading of the bill in the House of Representatives.

And the testimony further shows that one, at least, of the alterations was known in the House of Representatives, to one or more officers thereof, before the bill was returned to the Senate for concurrence in the amendments made by the House.

Respectfully,

FRED'K G. BROMBERG,  
Chairman Special Committee.

WM. MILLER, JR.,  
A. N. WORTHY.

Senate Chamber, Feb. 14, 1870.

Which report was read.

Mr. Lambert moved that said committee be instructed to report a bill providing for an election in the city of Mobile, for municipal officers, within thirty days ;

Whole subject was then postponed.

House joint resolution providing for adjournment *sine die* on the 25th instant, was read ;

Mr. Farden moved to strike out "25th" and insert "19th";

Which motion was laid on the table ;

Mr. Coon moved to postpone the further consideration of the resolution until the 24th instant ;

Which motion, on motion of Mr. King,

Was laid on the table.

Mr. Whitney moved to lay the joint resolution on the table ;

Which motion was lost ;

Yeas 12, nays 15.

Those who voted in the affirmative are—

Messrs. Coon, Foster, Glass, Hinds, Martin, Miller, Morton, Richards, Sibley, Wise and Whitney—12.

Those who voted in the negative are—

Messrs. Bromberg, Buekley, Farden, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Oliver, Pennington, Sevier, Stow, Worthy and Yordy—15.

On motion of Mr. Mabry, the further consideration was postponed and made special order for 1 o'clock on Saturday next.

Message from the Governor, as follows :

*Mr. President :*

The Governor has approved and signed bills to be entitled as follows :

Relating to the place of meeting of the stockholders of the Alabama and Chattanooga railroad company ;

Relating to bills of exception ;

For the relief of Marcian A. Johnston, of Barbour county, Alabama.

Very respectfully,

D. L. DALTON,  
Secretary.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
February 15, 1870. }

*Mr. President :*

The house has originated and passed a bill,  
To fix the fees of the county solicitor of Montgomery county.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Miller, from the Committee on Engrossed Bills, reported as follows :

Committee on Engrossed Bills beg leave to report the following bills as correctly engrossed :

To be entitled an act to amend an act fixing the time of holding the courts in the second judicial circuit ;

To be entitled an act to authorize the Governor of the State of Alabama, on the part of the State, to endorse, on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company.

At 12 o'clock, the special order for that hour came up, it being,

Senate bill, to provide for the annexation of West Florida to the State of Alabama ;

Which was read and laid over.

At 1 o'clock, the special order for that hour came up, it being,

House bill, to amend the charter of the city of Montgomery;

With Mr. McAfee entitled to the floor, and the question pending being on Mr. McAfee's minority report ;

Pending consideration of which,

Senate adjourned till 10 o'clock to-morrow morning.



WEDNESDAY, February 16, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Johnston, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney and Yordy—30.

Journal of yesterday was read and approved.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to fix the times of holding the circuit court in the 11th judicial circuit.

Mr. Miller, from the Committee on Engrossed Bills, reported as correctly engrossed :

To incorporate the town of Mooresville, in the county of Limestone ;

To authorize and empower executors and administrators to sell stock in the Selma and Meridian Railroad Company at private sale ;

To authorize persons holding claims against any railroad company in this State for damages sustained by them on their lands or other property, to transfer said claims ;

To regulate the publication of legal and other notices in Dale, Walker, Jefferson, St. Clair, Coosa, Tallapoosa and Franklin counties ;

For the relief of Thomas H. Bradford, administrator of the estate of Thomas D. Hall, deceased, of Marengo county ;

Joint resolution of the Senate and House of Representatives of the State of Alabama in General Assembly convened ;

To appoint the time for holding the chancery court for the county of Clarke ;

To prescribe the form of indictment for retailing spirituous, vinous or malt liquors ;

To make Nancy Vanzandt, of Calhoun county, a free dealer ;

Concerning the estate of William H. Smith, deceased ;

Providing for amendments to the constitution of the State of Alabama ;

To authorize the court of county commissioners of Bibb county to issue and sell county bonds ;

To authorize the commissioners court of Crenshaw county to borrow money and issue therefor warrants upon the county treasurer to be paid out of the special tax raised to build a court-house ;

To authorize the commissioners court of Crenshaw county to levy a special tax to build a court-house.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills, &c., were introduced.

By Mr. Sibley, for the relief of the judge of the county court of Madison county ;

By Mr. Sanford, for the relief of Thomas M. Geer and Nancy E. Geer, of Cleburne county, of non-age ;

By Mr. Pennington, to establish an election precinct in Lee county, to be known as Whitten's shop ;

By Mr. Martin, to amend section 1321 of the Revised Code ;

By Mr. Farden, to regulate the time of holding the courts in the second judicial circuit ;

By Mr. Yordy, to authorize the sale of the 16th section, in township 17, range 4, west, in Sumter county ;

By Mr. Foster, to repeal an act to prohibit the sale of ardent spirits, except for medicinal purposes, within three miles of the male and female academy at Pushmataha, in Choctaw county, Alabama ;

Which bills were read three times forthwith and passed.

By Mr. Sibley, to amend section 1755 of the Revised Code ;

Which was read twice.

Mr. McAfee moved to amend by striking out " Mobile Bay " ;

Bill and amendment were referred to a select committee, composed of Messrs. Bromberg, Yordy and Sibley ;

By Mr. Mahan, to amend section 873 of the Revised Code ;

By Mr. Pennington, to amend section 1767 of the Revised Code and the act amendatory thereto ;

By Mr. Coon, to construe sections from 2509 to 2521 of the Revised Code ;

By Mr. Yordy, for the relief of Mary Frances Miles, of Sumter county ;

By Mr. Miller, to regulate the construction of wills in certain cases ;

By Mr. Worthy, to authorize Evelyn H. King. of Tuska-

loosa county, to lease certain real estate belonging to her wards ;

By Mr. Hinds, to repeal section 3517 of the Revised Code, and re-enact 3046 of the Code of Alabama, adopted February 5, 1852, in its application to the county of Morgan ;

Which bills were severally read twice and referred to the Judiciary Committee.

By Mr. Wise, to authorize Ellen E. Satterwhite to sell certain lands ;

Which bill was read twice ;

On motion of Mr. Oliver, the bill was amended as follows :

*Provided*, said sale shall be approved by the judge of probate of said county ;

As amended, the bill was read a third time and passed.

By Mr. Wise, to authorize Sarah E. Satterwhite to sell certain lands ;

Which bill was read twice ;

On motion of Mr. Pennington, the bill was amended as follows :

*Provided*, said sale shall be approved by the judge of probate of said county ;

As amended, the bill was read a third time and passed.

By Mr. Lambert, to declare William Dawson a citizen of Coosa county ;

Which bill was read three times forthwith and passed—

Yeas 25, nays 0.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, King, Lambert, Lentz, McAfee, McIntosh, Mahan, Martin, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Worthy and Yordy—25.

By Mr. Pennington, to amend section 21 of a certain act ;

Which bill was read twice and referred to a select committee, composed of Messrs. Pennington, Worthy and Miller, with instructions to report at 11 o'clock to-morrow.

By Mr. Pennington, to amend an act to amend section 1755 of the Revised Code, &c., approved August 6, 1858 ;

To legalize the organization of all companies incorporated under the act of the General Assembly of Alabama, approved August 6, 1868, entitled, an act to amend section 1755 of the Revised Code of Alabama, so as to extend the provisions thereof to life insurance and mutual aid companies ;

Which bill was read twice and referred to the Committee on Banks and Insurance.

By Mr. Pennington, resolution providing for a classification of the Senate ;

Which was read and made special order for 12 o'clock on Monday next.

By Mr. Glass, to authorize and empower G. W. Sarter to sell certain lands ;

Which bill was read three times forthwith and passed.

By Mr. Farden, joint resolution in relation to the interpolation of the bill to re-organize the municipal government of the city of Mobile ;

Which was read and referred to a select committee, composed of Messrs. Farden, Coon, McAfee, Bromberg and Foster.

By Mr. Coon, to increase the efficiency of the militia of the State of Alabama ;

Which bill was read twice and referred to the Committee on Militia.

By Mr. Coon, to extend the provisions of the general incorporation laws to the grand conclave of the order of seven wise men ;

Which bill was read twice ;

Mr. Bromberg moved to strike out the words "grand conclave" and insert "to any secret societies organized for benevolent purposes ;"

Bill and amendment were referred to a select committee, composed of Messrs. Bromberg, Yordy and Sibley.

By Mr. Coon, joint resolution of thanks to Brevet Major General Terry and Colonel Crawford, and their commands ;

Which was read ;

Mr. Worthy moved to lay the resolution on the table ;

Which motion was lost ;

Joint resolution was referred to the Committee on Militia.

By Mr. McIntosh, for the relief of Terry Stringfellow, of Pickens county ;

Which bill was read twice ;

Mr. McAfee moved to include Joel T. McCreight, of Tallapoosa county ;

Bill and amendment was laid on the table.

By Mr. Jones, the more perfectly to secure the payment of railroad bonds, and thereby protect the State against loss for her endorsement thereof ;

Which bill was read twice and referred to the Committee on Internal Improvements.

By Mr. Jones, to form a new county, to be known as the county of Cuba ;

Which bill was read twice and referred to the Committee on Municipal and County Organizations.

By Mr. Worthy, to incorporate the Montgomery Charitable Hospital ;

Which bill was read twice and referred to a select committee, composed of Messrs. Bromberg, Yordy and Sibley.

By Mr. Bromberg, to establish laws for the maintenance of the poor of Alabama ;

Which bill was read twice and referred to the Committee on Poor Laws and Charitable Institutions.

By Mr. Worthy, joint resolution to carry into effect the provisions of an ordinance to encourage immigration ;

Which was read twice and referred to the Committee on Industrial Resources.

#### PROTEST :

Mr. Mabry presented the following protest, which was read and ordered to be spread upon the Journal of the Senate :

*To the Honorable the Senate of the State of Alabama :*

The undersigned Senator begs leave most respectfully to protest against the action of the Senate on Monday, the 14th day of February, 1870, in declaring the passage of a certain bill to be entitled " An act to authorize the Governor of the State of Alabama to endorse, on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company," and in ordering the same to be certified to the House of Representatives.

First. Because the bill itself is, as I believe, in direct violation of section 33, 4th article of the constitution of the State of Alabama, which is as follows : " The State shall not engage in works of internal improvement, but its credit in aid of such may be pledged by the General Assembly on undoubted security, by a vote of two-thirds of each House of the General Assembly. In this, that said act, instead of merely pledging the credit of the State to a work of internal improvement, is in effect donating its credit to a corporation which, by its own confession, is now and for some time has been unable either to meet its obligations or furnish, without the use of the credit so donated, undoubted security as required by the constitution ; that it is pledging the credit of

the State not to a work of internal improvement, but for the purpose, in part at least, of paying off the indebtedness of a railroad company which has been for several years in operation and unable either to sustain itself or complete its road as originally projected.

Second. Because said act is in violation of article 13 of the constitution of Alabama, which provides as follows: "The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given or lent to any banking company, association or corporation, except for the purpose of expediting the construction of railroads or works of internal improvement within the State; and the credit of the State shall in no case be given or lent without the approval of two-thirds of both Houses of the General Assembly." In this, that the said bill proposes to loan the credit of the State, not for the purpose of expediting the construction of a railroad, but in aid of and for the benefit of a railroad which was already constructed and in operation at the time of the adoption of the constitution. While a railroad constructed and in operation may, under proper management, be an internal improvement, it is not and cannot be within the meaning of the constitution a work of internal improvement. That expression, as used in the constitution, having, as I believe, reference not to the internal improvements existing in the State at the time of the adoption of the constitution, but to such works as might subsequently be projected which, in their nature and character, should tend to the internal improvement of the State.

Third. Because it is provided in and by said bill that the State of Alabama shall, through a commissioner, and with its bonds purchase or pay off the indebtedness of a railroad company, employing her unimpaired credit for the satisfaction and discharge of the depreciated obligations of said company, a power and authority not conferred by the constitution.

With all due respect for the honor and dignity of this honorable body, I request this, my protest, may be entered on the journal of the Senate as provided for in and by the constitution of this State.

JAMES W. MABRY.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
February 16, 1870. }

*Mr. President :*

The House has amended and passed Senate bills,

To amend an act to amend sections 3, 8, and 13 of an act in relation to chancery courts ;

To allow the administrators of estate of W. M. Burgess to sell real estate at private sale ;

For the relief of Jerome C. Thompson, of Choctaw county ;

To authorize E. C. Sheffield to settle with his guardian ;

To change the boundary line between the counties of Marshall and Blount ;

And have passed Senate bills,

To repeal an act to incorporate the Tuskaloosa Scientific and Art Association ;

To repeal an act to establish the Mobile Charitable Association ;

To repeal an act to establish a mutal aid association ;

To amend an act fixing the time of holding the courts in second judicial circuit ;

To amend section 844 of the Revised Code ;

To authorize Julia Knighton, of Cleburne county, to sell certain lands ;

For the relief of Maria D. Jackson, of Pike county ;

To allow Wash. G. Cain to sell real estate ;

To constitute Clementine C. Constantine a free dealer ;

To amend section 1074 of the Revised Code ;

For the relief of Wm. S. Napier, of Lawrence county ;

To declare Martha Howell and Martha Mahoney free dealers ;

To establish an election precinct in Haw Ridge, in Dale county ;

To attach the county of Colbert to the northern chancery division ;

To make Mrs. Sidney Jones, of Lee county, and others free dealers ;

To relieve George N. Calhoun, of the disabilities of minority ;

To make N. A. Felts and others therein named free dealers ;

To establish a chancery court for Hale county ;

To provide for the election of marshal for the city of Tuskaloosa ;

For the relief of John C. Phares, of Sumter county ;

To carry into effect in Alabama the provisions of the 7th clause of the consular convention between the United States of America, and his majesty the Emperor of the French, concluded on the 23d February, 1853 ;

To define the corporate limits of Livingston, in Sumter county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 16, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To establish a new charter for the town of Union Springs, Bullock county, Alabama ;

To more efficiently protect the owners of stallions and jacks in the State of Alabama ;

To authorize circuit court judges to grant writs of mandamus in vacation ;

To establish a medical board in Tallapoosa county ;

To prevent trespass by camp hunters in Baldwin, Covington, Winston, Clarke, Blount and Marengo counties ;

To prevent the sale or giving away of intoxicating liquors in the town of Warrior Stand, in Macon county ;

To amend an act to authorize the Governor to issue a patent to certain persons herein named ;

For the benefit of Choctaw county ;

For the relief of Van Buren Morris, of Morgan county ;

To authorize court of county commissioners of Franklin county to pay Joseph A. Guy for stone pillars ;

To make Mrs. Amanda Poyner and Rebecca Williams free dealers ;

To relieve Henry Tillis and Jinsey Tillis, of Macon county ;

To admit Opium eaters and confirmed inebriates into Insane Asylum at Tuscaloosa ;

To amend section 12, of an act for the protection of plantations and crops in Lauderdale county ;

To increase the pay of grand and petit jurors in the county of Hale ;

For the relief of William F. Breitling of Marengo county ;

For the relief of Marshall Phillips, of Coffee county ;

To amend an act to incorporate Uniontown, in Perry county, Alabama ;



And joint resolution in relation to the salary of the recording secretary of the Executive Department.

Respectfully,

W. B. CLOUD,  
Clerk.

At 1 o'clock the special order for that hour came up, it being Senate bill,

To provide for the annexation of West Florida to the State of Alabama;

Mr. Bromberg moved to indefinitely postpone the bill;

Pending consideration of which,

Senate then adjourned till 9½ o'clock to-morrow morning.

THURSDAY, February 17, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. O. R. Blue, of the Montgomery Conference of the Methodist Episcopal church.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy, and Yordy—23.

Journal of yesterday was read and approved.

Mr. Miller, from the Committee on Engrossed Bills, reported as correctly engrossed:

For the relief of D. M. James, surviving partner of Latham & James;

Relating to the place of meeting of the stockholders of the New Orleans, Mobile and Chattanooga railroad company;

To legalize the marriage of R. B. Newton and Sarah Black, of Geneva;

To establish a new charter for the city of Talladega.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Sanford, from the Committee on Taxation, reported adversely to Senate bill,

To donate to the county of Jackson, the State taxes of said

county for 1870 and 1871, for the purpose of building a court house ;

To amend sections 41 and 59 of the revenue laws of Alabama ;

Which reports were severally concurred in.

Also, from the same committee, reported favorably, with amendment, to House bill,

For the relief of the assessor of taxes of Montgomery and Barbour counties ;

Messrs. Coon and Sibley offered amendments ;

Bill and amendments were recommitted to the Committee on Accounts and Claims.

Mr. Pennington, from the Committee on Federal Relations, reported favorably to Senate bill,

To regulate the agencies of life insurance companies of other States of the United States doing business in the State of Alabama ;

Which bill was read a third time and passed.

Mr. Pennington, from Select Committee, reported a substitute for Senate bill—

To regulate common carriers ;

Which substitute was adopted ;

Mr. Worthy, moved to amend, as follows :

*Provided*, That such common carriers shall be allowed the privilege of providing equally comfortable, separate accommodations for the races, and may not be compelled by this law to force the races to travel in the same carriages together ;  
*Provided further*, That it shall be the duty of all conductors of railroads to protect the travelling colored public.

Mr. Pennington offered the following amendment :

“That nothing contained in this act shall deprive common carriers of the right to indicate cars or apartments on steam boats or other public conveyances to be occupied by travellers, *provided* such apartments be such as the tickets purchased entitle the person holding it to demand ;

Consideration was cut off by admission of a report by Mr. Farden from a Select Committee.

House bill, to extend certain State bonds of the State of Alabama, due in London on 1st June, 1870 ;

Was read three times forthwith and passed.

Mr. Farden, from Select Committee, made a minority report on the joint resolution relative to the bill to re-organize the municipal government of the city of Mobile, &c. ;

Which was received.

Mr. Bromberg submitted a minority report on the same resolution ;

Mr. Farden offered an additional section ;

Which subject was recommitted to the same committee, with instructions to report at 1 P. M. to-morrow.

Mr. Pennington, from Select Committee, reported favorably to Senate bill,

To amend section 21 of an act for the creation and regulation of railroad companies in the State of Alabama, so as to authorize the consolidation of railroad companies before or after their completion ;

Which bill was read a third time and passed.

Mr. Sevier, from the Committee on Fees and Salaries, reported favorably, with amendment, to Senate bill,

To allow the officers and employees of the General Assembly per diem during the recess ;

Said bill and amendment were laid on the table.

Mr. Richards, from the Committee on Education, reported favorably to House bill,

To amend an act to make an appropriation for educational purposes, &c., approved October 10, 1868.

Mr. McAfee, from the Judiciary Committee, submitted a report of progress in relation to Mobile school matters, and asked instructions.

Mr. Worthy offered a resolution to confine the investigation to the period since the present government went into operation.

Mr. Whitney offered a resolution as to the time over which the enquiry should extend.

Leave of absence was granted to Mr. Foster.

### Messages from the House :

HOUSE OF REPRESENTATIVES, }  
February 17, 1870. }

*Mr. President :*

The House has passed Senate bills,

For the relief of Fred. and Jane Kelly, of Barbour county ;

To make Lucy H. Dreyspring, of Montgomery county, a free dealer ;

And have adopted and passed a substitute to Senate bill,

To repeal an act, &c. ;

And have originated and passed the following bills :

To legalize, ratify and confirm, all acts and things of every kind heretofore done and performed in substantial compliance with the provisions of an act, to authorize the several counties and towns, and cities, of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests ;

To authorize the voters of Colbert county to permanently locate the county site of said county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 17, 1870. }

*Mr. President :*

The House has originated and passed bills to be entitled as follows :

To amend section 2351 of the Revised Code of Alabama ;

To confer additional powers upon the Jacksonville, Gunter-ville and Gadsden Railroad Company.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 17, 1870. }

*Mr. President :*

The House has originated and passed a bill,

To provide for the extension of certain State bonds, due and payable in London. on the 1st day of June, 1870

Respectfully,

W. B. CLOUD,  
Clerk.

Senate adjourned till 10 o'clock to-morrow morning.

FRIDAY, February 18, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—27.

Journal of yesterday was read and approved.

House bill, reported by the committee on yesterday,

To amend an act making an appropriation for educational purposes, approved October 10, 1868;

Was taken up, read a third time and passed—

Yeas 19, nays 2.

Those who voted in the affirmative are—

Messrs. Bromberg, Coon, Glass, Hinds, Jones, King, Lambert, McIntosh, Mahan, Martin, Miller, Oliver, Pennington, Richards, Sanford, Sibley, Wise, Worthy and Yordy—19.

Those who voted in the negative are—

Messrs. Mabry and Royal—2.

Mr. Richards, from the Committee on Education, reported favorably, with amendment, to House bill,

Making an appropriation to pay teachers who taught the free public schools, during 1866 and 1867;

Which amendment was laid on the table;

Mr. Pennington moved to amend as follows:

*Provided*, That whenever claims for services in teaching are held by others than teachers, they shall only be paid at the rate at which they were purchased with legal interest added;

Which amendment, on motion of Mr. King, was laid on the table;

Bill was then read a third time and passed;

Yeas 19, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Coon, Hinds, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller,

Oliver, Richards, Sanford, Sibley, Wise, Worthy and Yordy—19.

Those who voted in the negative are—

Messrs. Foster, Pennington, Royal and Whitney—4.

Message from the Governor, nominating, for the confirmation of the Senate, of Hons. Charles Pelham, G. T. McAfee and Arthur Bingham as additional corporators of the State institution for the deaf, dumb and blind ;

Which was read, and the Senate went into

#### EXECUTIVE SESSION.

The appointment of Messrs. Pelham and McAfee was confirmed.

The appointment of Mr. Bingham was confirmed ;

Yeas 15, nays 7.

Those who voted in the affirmative are—

Messrs. Bromberg, Glass, Jones, King, Lambert, Lentz, McIntosh, Mabry, Mahan, Martin, Pennington, Sanford, Wise, Worthy and Yordy—15.

Those who voted in the negative are—

Messrs. Coon, Farden, Hinds, Oliver, Richards, Sevier and Whitney—7.

Mr. Miller was excused from voting—1.

The doors were then opened, and the Senate proceeded to consider

Senate bill, to provide for the annexation of West Florida to the State of Alabama ;

Which bill was made special order for 1 p. m. on Monday next.

Mr. Coon took an appeal from the decision of the chair, which had decided that when a bill is made special order for a certain hour on a particular day, that if not disposed of on that day, comes up regularly as a special order on each day until finally disposed of unless the Senate otherwise dispose of the bill ;

And the decision of the chair was sustained.

Mr. Sibley, from the Committee on Registration, reported favorably, with amendments, Senate bill,

To provide for the registration of electors, and to pay the expenses of registration ;

Which amendment was adopted ;

Bill was finally recommitted to the same committee, with

instructions to report a bill repealing the registration laws of the State.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
February 18, 1870. }

*Mr. President :*

The House has originated and passed a bill,  
Supplementary to an act to re-organize the municipal government of the city of Mobile, &c.;

And has passed Senate bill,

To authorize executors and administrators to sell stock in the Selma and Meridian Railroad Company at private sale.

Respectfully,

W. B. CLOUD,  
Clerk.

Mr. Farden, from select committee, returned bills, &c., relative to bill,

To re-organize the municipal government of the city of Mobile, &c.

Mr. Bromberg moved to take up the minority report of the committee submitted on yesterday ;

Mr. Coon moved to amend said motion so as to take up the House bill,

Supplementary to an act to re-organize the municipal government of the city of Mobile, &c.;

Which motion was laid on the table.

Mr. Coon then moved to lay Mr. Bromberg's motion on the table ;

Which motion was lost.

Mr. Bromberg's bill to provide for an election in Mobile, was then taken up and reconsidered.

Mr. McIntosh offered the following,

Which was ruled out of order :

*Resolved*, That a committee of five be appointed to negotiate with the Legislature of Mississippi upon the conditions as to which the city of Mobile can be transferred to the State of Mississippi ;

Senate adjourned till 10 o'clock to-morrow morning

SATURDAY, February 19, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Richards, of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney Worthy and Yordy—28.

Journal of yesterday was read and approved.

House bills—

To authorize the voters of Colbert county to permanently locate the county seat ;

To compensate the commissioners court of Jefferson county ;

Were severally read three times forthwith and passed.

House bill, to establish a criminal court for Dallas county ;

Was read twice and referred to a select committee, composed of Messrs. Sanford, Worthy and Coon.

Senate concurred in amendments of the House to Senate bills,

To repeal an act therein named ;

To authorize Eusebius C. Sheffield to settle with his guardian ;

To change the boundary line between the counties of Marshall and Blount ;

To amend an act to amend sections 3, 8 and 13 of an act in relation to chancery courts ;

To allow the administrators of the estate of William M. Burgess to sell real estate at private sale ;

For the relief of Jerome C. Thompson, of Choctaw county ;

House bills—

To regulate the practice of the circuit court of Mobile county ;

To amend an act for the relief of the Mobile Manufacturing Company ;

To order a special election in Macon county ;

To confer additional powers on the Jacksonville, Gadsden and Guntersville Railroad Company ;

Were severally passed.



House bill, supplementary to an act to re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof;

Was read twice forthwith.

Senate refused to suspend the constitutional rule in order to give the bill a third reading forthwith ;

Bill was ordered to a third reading.

House bill, to relieve Henry Tillis and Jincey Tillis, of Macon county ;

Was read and laid on the table.

House bill, to fix the fees of the solicitor of Montgomery ;

Was read twice and referred to the Committee on Finance.

House bill, to amend section 2351 of the Revised Code ;

Was read twice.

Mr. Sevier moved to amend so as to make " confirmed insanity " a ground of divorce ;

Bill and amendment were referred to a select committee, composed of Messrs. Sibley, Pennington and Whitney.

Senate concurred in each of the amendments of the House separately to Senate bill,

To furnish the aid and credit of the State Alabama for the purpose of expediting the construction of railroads in this State ;

The vote on concurring in the first amendment was,

Yeas 20, nays 4.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, Jones, King, Lentz, McIntosh, Mabry, Mahan, Morton, Miller, Oliver, Pennington, Richards, Sanford, Sibley, Whitney and Yordy—20.

Those who voted in the negative are—

Messrs. Lambert, McAfee, Sevier and Worthy—4.

Mr. Worthy appealed from the decision of the chair ; (Mr. Barr in the chair,) which had decided that as the Senate had concurred in all the amendments of the House to the bill *seriatim*, no further action was necessary ;

And the decision of the chair was not sustained ;

Senate then concurred in the amendments of the House to said bill, as a whole ;

Yeas 21, nays 2.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, Jones, King, Lentz, McIntosh, Mabry, Mahan, Martin, Miller, Morton,

Oliver, Pennington, Royal, Sanford Wise, Whitney and Worthy—21.

Those who voted in the negative are—

Messrs. Lambert McAfee —2.

Messrs. Richards, Sevier, Sibley and Yordy, were excused from voting.

Mr. Yordy, from the Committee on Enrolled bills, reported as follows :

The Committee on Enrolled Bills, report as correctly enrolled, bills of the following titles :

For the relief of Mariah D. Jackson, of Pike county ;

To make Mrs. Sidney Jones, of Lee county ; Mrs. E. P. Parker, *et als.*, free dealers ;

To attach the county of Colbert to the northern division of the State of Alabama, which is to be known as the 12th chancery district, and to fix the time of holding the court therein ;

To declare Martha Howell, of Barbour county, and Martha Manoney, wife of P. D. Maroney, of Shelby county, free dealers ;

For the relief of William S. Napier, of Lawrence county ;

To establish an election precinct in Haw Ridge, in the county of Dale ;

To establish a chancery court for Hale county ;

To authorize Julia Knighton, of Cleburne county, to sell certain lands ;

To provide for the election of marshal for the city of Tuscaloosa ;

To carry into effect in Alabama, the provisions of the 7th clause of the Consular Convention between the United States of America, and His Majesty the Emperor of the French, concluded on the 23d February, 1853 ;

To define the corporate limits of Livingston, in Sumter county ;

For the relief of the estate of Whitfield Woolf, deceased ;

To amend and repeal subdivision 10th, section 750, Revised Code.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

To fix the times of holding the circuits in the 11th judicial circuit ;

For the relief of Mary West, of Barbour county, Alabama ;  
 To make Elizabeth Brown, wife of Oliver C. Brown, of  
 Bibb county, a free dealer ;

To transfer certain legal documents and papers from the  
 county of Franklin to the county of Colbert ;

Amendatory and supplementary to an act to provide for  
 the support of hospital patients at Talladega ;

To make Mrs. Mary Hines, of Coosa county, a free dealer ;

To amend section 1381, chapter 14, article 3, title 13, of the  
 Revised Code of Alabama.

Very respectfully, your ob'dt serv't,

D. L. DALTON,  
 Secretary.

Message from the House, as follows :

HOUSE OF REPRESENTATIVES, }  
 February 19, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To regulate the conveyances of the property of married  
 women ;

To enable mechanics to sell articles left with them for re-  
 pairs, and not called for ;

To allow the chief justice of the supreme court of this  
 State a secretary ;

To make Margaret Emma Alois and Rachael Marks, free  
 dealers ;

To authorize and empower Moses Morris, a minor, of Mor-  
 gan county, to settle with his guardian ;

To amend section 3717 of the Revised Code ;

To repeal section 869 of the Revised Code ;

To amend section 3264 of the Revised Code ;

To amend section 96 of an act to regulate elections in this  
 State ;

To amend section 4172 of the Revised Code ;

To amend section 4242 of the Revised Code ;

To regulate the working of public roads in Covington coun-  
 ty ;

To amend section 2943 of the Revised Code ;

To authorize John F. Adams of Calhoun county, to marry ;

To increase the *ex-officio* pay of the sheriff of Choctaw  
 county ;

To authorize suits against, and to prescribe the mode of

serving process on foreign exportations doing business in this State ;

To regulate the publication of legal notices in the counties of Shelby, Walker, Baker and others ;

To authorize B. O. Masterson, A. B. Masterson, and their associates, to erect a dam across town creek, in Lawrence county ;

For the relief of Wm. Harwood, late tax collector of Morgan county, and the sureties on his official bond ;

To remove the administration of the estate of Robert H. McFaddin, deceased, from the probate court of Greene to Dallas county ;

To prevent the sale of spirituous liquors within two miles of Cahaba Baptist church, in Jefferson county ;

To authorize the county commissioners of Morgan and Lawrence counties, to pay the county treasurer for collecting the county licenses ;

To declare Charity A. Edwards, of Russell county, a free dealer ;

To amend section 2d of the charter of Newbern ;

To repeal an act to establish a mutual aid association ;

For the relief of Francis M. Barnett, and A. J. Bowen, and Marshall Phillips, from the disabilities of minority ;

To incorporate the town of Columbiana, in the county of Shelby ;

To declare Reuben Estis, a liner between Talladega and Clay counties, a citizen of Clay county ;

To give the probate court of Wilcox county, jurisdiction of the estate of R. H. Kilpatrick, deceased ;

To make Mrs. Hannah F. Chaudron, a free dealer ;

For the relief of Andrew Lyon, of Pickens county ;

To authorize the issuance of county bonds in Geneva county ;

To amend an act to revive and amend an act to incorporate the Alabama mining and manufacturing company ;

To make Mariah S. Atkinson, of Montgomery county, a free dealer ;

To authorize E. M. Barnes, of Talladega county, to practice law in the inferior courts of this State ;

For the relief of Bryant Simpson ;

To amend section 4222 of the Revised Code ;

To make Sarah E. Mitchell, a free dealer ;

For the relief of the heirs of the estate of Moses Mathews, deceased ;

For the relief of Samuel Durham, of Coffee county ;

To repeal a certain act therein named ;

To regulate the mileage of members of the commissioners court in Franklin and Colbert counties ;

To provide for the opening registration on the day of voting at the election authorized to be held in Colbert county ;

To prohibit the sale of liquors within three miles of the Baptist church, at Cross Keys, Macon county ;

For the relief of John Eisnach, of Bullock county ;

For the relief of Masannah Rowe, of Coffee county ;

To repeal section 3617 of the Revised Code ;

For the relief of James O. M. Jarvis ;

To authorize Mrs. Mary Moats, of Baker county, to sell the real estate belonging to the estate of her late husband ;

To regulate the service on the defendant of a copy of the indictment and the list of jurors summoned for his trial in capital cases in Mobile county ;

To authorize Mrs. Mary Popwell, of Baker county, to sell the real estate belonging to the estate of her late husband ;

To allow the judges of the courts of Dallas county, to appoint counsel in certain cases ;

To authorize Catharine Harper to sell a certain piece of land in Coffee county ;

For the relief of Samuel Blackwell, of Elmore county ;

To amend section 3733 of the Revised Code ;

To authorize Mrs. A. Dupree, of Baker county, to sell the real estate belonging to the estate of her late husband ;

To require the county treasurer of Wilcox county, to pay the fees of county officers in certain cases ;

For the relief of Forney academy, in Blount county ;

To repeal section 13 and 14 of an act to provide for the registration of electors ;

To incorporate the town of McKinley, in Marengo county ;

To empower the commissioners court of Lowndes county to issue bonds, and for other purposes ;

For the relief of certain citizens in Colbert county ;

To amend section 2521 of the Revised Code ;

To amend the charter of the town of Gainesville.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 19, 1870. }

*Mr. President :*

The House has amended, and passed Senate bills :

To apply and extend the law of garnishment to causes in chancery ;

To vest certain lands therein named, in the heirs and widow of the estate of Isaac L. Ward, deceased ;

To alter, arrange and designate the county boundaries between the counties of Washington and Choctaw, and between Choctaw and Sumter ;

And amended, and adopted Senate memorial to the Congress of the U. S., for the renewal of a land grant to the State of Alabama ;

And have refused to concur in Senate amendment to House amendment to Senate bill,

To authorize the county treasurers of Elmore and Autauga counties, to pay salaries in lieu of fees to solicitors of said counties, on the ground of irregularity.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 19, 1870. }

*Mr. President :*

The House has amended, and passed Senate bill,

To furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

Respectfully,

W. B. CLOUD,  
Clerk.

At 1 o'clock, the special order for that hour came up, it being,

House joint resolution, providing for the adjournment *sine die* on the 25th instant ;

Mr. Jones moved to strike out "25th instant," and insert "March 15th" ;

Which motion was laid on the table ;

Mr. Pennington offered a substitute ;

Mr. King moved to lay said substitute on the table ;

Which motion was lost ;

Mr. Jones moved to amend, by substituting "15th March";  
Pending consideration of which,  
Senate then adjourned till 10 o'clock Monday morning.

---

MONDAY, February 12, 1870.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford, of the Senate.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Coon, Farden, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney and Yordy—26.

Journal of yesterday was read and approved.

Leave of absence was continued to Mr. Bromberg.

Mr. Miller, from the Committee on Engrossed Bills, reported as correctly engrossed:

To incorporate the town of Linden, in Marengo county;

To remove the county seat of Greene county;

To amend section 750 of the Revised Code of Alabama;

A memorial of the General Assembly of Alabama, to the Congress of the United States, for the renewal of a land grant to the State of Alabama, under an act of Congress of June 3d, 1856;

To authorize and empower G. W. Sartor to sell certain lands.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act, to loan the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State.

Mr. Martin, from Select Committee, reported a substitute for House bill,

To permanently locate the county seat of Russell county;  
Which substitute, on motion of Mr. Mabry, was postponed indefinitely;

Mr. Foster moved to lay the bill on the table;

Which motion was lost;

Bill was then ordered to a third reading.

## REPORTS FROM STANDING COMMITTEES.

Mr. Sibley, from the Committee on Registration, reported favorably to House bill,

To amend section 26 of an act to regulate elections in this State, approved October 8, 1868 ;

Which bill was read a third time and passed.

Mr. Wise, from the Committee on Contingent Fund, reported favorably to Senate bill,

To create a contingent fund for the use of the State ;

Which bill was laid on the table.

Mr. Whitney, from the Committee on Roads and Public Highways, reported favorably to House bills,

To change the apportioning of hands on roads in Tallapoosa county ;

To repeal an act to authorize justices of the peace in Marion county to appoint overseers of roads, and for other purposes ;

Which bills were severally read a third time and passed.

Mr. Lambert, from the Committee on Finance, reported favorably to Senate bill,

To amend section 1476 of the Revised Code ;

Which bill was laid on the table.

Also, from the same committee, reported favorably to House bill,

To register and pay the debt of Sumter county ;

Which bill was read a third time and passed.

Also, from the same committee, reported adversely to House bill,

For the relief of the heirs of Thomas J. Fry, deceased ;

Which report was not concurred in ;

Bill was then read a third time and passed—

Yeas 17, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Glass, Jones, King, Lentz, McIntosh, Mahan, Martin, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Wise and Whitney—17.

Those who voted in the negative are—

Messrs. Lambert, McAfee, Mabry, Worthy and Yordy—5.

Also, from the same committee, reported favorably to House bill,



To consolidate the funds of fines and forfeitures and the general fund of Sumter county ;

Which bill was read a third time and passed.

Mr. Lambert, for Mr. Stow, from Select Committee, reported favorably to Senate bill,

To re-imburse the county of Montgomery for the maintenance of indigents belonging to other counties ;

Mr. Worthy moved to amend by making a similar appropriation, or so much thereof as may be necessary, for all other counties of the State, except Talladega ;

Bill and amendment were then postponed.

Mr. Lambert, from the Committee on Agriculture and Manufactures, reported adversely to Senate bill,

To aid in developing the resources of Alabama ;

Which report was concurred in.

Also, from the same committee, reported favorably to Senate bill,

To enable the North Alabama Agricultural and Mechanical Association to re-organize under its charter ;

Which bill was read a third time and passed.

At 12 o'clock, the special order for that hour came up, it being resolution providing that the members of the Senate draw for terms ;

Which resolution was not adopted ;

Yeas 10, nays 16.

Those who voted in the affirmative are—

Messrs. Jones, Lambert, Lentz, Mabry, Mahan, Miller, Pennington, Sevier, Wise, Worthy and Yordy—10.

Those who voted in the negative are—

Messrs. Barr, Coon, Farden, Glass, Hinds, King, McAfee, McIntosh, Martin, Morton, Oliver, Richards, Royal, Santord, Sibley and Whitney—16.

At 1 P. M., the special order for that hour came up, it being Senate bill,

To provide for the annexation of West Florida to the State of Alabama.

Mr. Worthy, with leave, offered the following resolution :  
Which was adopted.

#### HOUSE JOINT RESOLUTION.

WHEREAS, Information has reached us that the legislature of the State of Florida has adjourned, and that it will not meet again in annual session till January, 1871 ; And whereas,

The next annual session of the General Assembly of Alabama will convene in November, 1870; And whereas, A postponement of the consideration of the bill for the annexation of West Florida, until the next annual session of the General Assembly, will give the people throughout the State time to consider and canvass a proposition of so much importance, and if they desire, to instruct their Senators and Representatives how to vote thereon; Therefore, be it

*Resolved*, That the further consideration of the bill to be entitled, "An act to provide for the annexation of West Florida to the State of Alabama," be postponed until the second Tuesday of the next annual session of the General Assembly.

Mr. Barr, in the chair, laid before the Senate a communication from Col. Lewis Owen, president of the Montgomery and Eufaula Railroad Company, tendering an excursion train to the members of the Senate as follows:

OFFICE MONTGOMERY & EUFAULA R. R. Co., }  
Montgomery, Ala., Feb. 21, 1870. }

*To the Honorable President of the Senate:*

SIR—Yourself and the honorable body over which you preside, with officers, are respectfully invited to take an excursion trip over this road, at such day and hour as may suit your convenience.

This road being in course of construction, and passing through the rich prairies, as it does, and some of the Senators having expressed a desire to see the surrounding country, I deem it but just to invite your honorable body to see the country and the beneficial effects of railroad facilities.

Very respectfully,

Your obedient servant,

L. OWEN,  
President.

Which was read.

Mr. Pennington moved that Mr. President be requested to tender the thanks of the Senate to Col. Owen, and inform him that if the Senate can find time to accept his kind proffer, he will be duly notified.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably, with amendment to House bill,

To establish a new charter for the city of Huntsville;

Which amendment was adopted, the bill read a third time and passed.

Mr. Hinds, from select committee, reported favorably to Senate bill,

To establish a new charter for the town of Decatur ;

Which bill was read a third time and passed.

Senate bill, to establish a new charter for the city of Eu-  
faula ;

Was read a third time and passed.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably, with amendment, to Sen-  
ate bill,

To incorporate and establish a new charter for the town of  
Athens, Limestone county ;

Which amendment was adopted, the bill read a third time  
and passed.

Mr. Pennington, from Select Committee, reported favora-  
bly to Senate bill,

To establish a new charter for the city of Opelika ;

Which bill was read a third time and passed.

Mr. Glass, from select committee, reported favorably to  
House bill,

To establish a new charter for the town of Tuskegee, in  
the county of Macon ;

Which bill was read a third time and passed.

Mr. Oliver, from the Committee on Grievances and Disa-  
bilities, reported favorably to House bill,

To repeal an act to prohibit the sale of spirituous liquors  
within two miles of the academy and church near Alfred  
Collins', in DeKalb county ;

Which bill was read a third time and passed.

Also, from same committee, reported adversely to House  
bill,

To legalize the marriage ceremony between S. A. Thorn-  
ton and Martha F. B. Thornton, of Etowah county ;

Which report was not concurred in, and the bill was read  
a third time and passed.

On motion of Mr. Pennington, the Secretary of the Senate  
was authorized to employ additional assistance for engrossing  
and enrolling Senate bills till the close of the present session.

Mr. Whitney introduced a bill,

To authorize the probate court of Montgomery county to  
take jurisdiction of the estate of Sterling Lanier, deceased ;

Which bill was read three times forthwith and passed.

Mr. Whitney introduced a bill,

To provide for the establishment and regulation of the Independent Telegraph Company of the State of Alabama ;

Which was read and ordered to a second reading.

Mr. Farden introduced a bill,

To provide payment for chandeliers and light in the State Capitol ;

Which was read three times forthwith and passed.

Mr. Coon introduced a bill,

To expedite the works of internal improvement in the State of Alabama ;

Which was read twice and referred to the Committee on Internal Improvements.

Message from the Governor, as follows :

*Mr. President :*

The Governor has approved and signed a bill which originated in the Senate, to be entitled,

An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

Very respectfully,

D. L. DALTON,  
Secretary.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
February 21, 1870. }

*Mr. President :*

The house has originated and passed the following bills :

Relating to the working of public roads in the county of Perry ;

For the relief of Elizabeth A. Young, of Morgan county ;

To consolidate the fine and forfeiture fund of Perry and Coffee counties with the general fund of said counties

The House respectfully requests the return of a bill to be entitled " An act for the relief of Geo. E. Sandling, of Morgan county."

Very respectfully

W. B. CLOUD,  
Clerk.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
February 21, 1870 }

*Mr. President :*

The House has originated and passed the following bill :  
Supplementary to an act entitled " An act to establish  
revenue laws for the State of Alabama."

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 21, 1870. }

*Mr. President :*

The House has originated and passed a bill to entitled as  
follows :

An act to secure the collection of the revenue on the busi-  
ness of express carriers.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate adjourned till 10 o'clock to-morrow morning.

---

TUESDAY, February 22, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to  
their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster. Glass,  
Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh,  
Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington,  
Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney and  
Yordy—28.

Journal of yesterday was read and approved.

Mr. Yordy, from the Committee on Enrolled Bills, sub-  
mitted the following report :

The Committee on Enrolled Bills report as correctly enrolled bills as follows :

To make Mrs. N. A. Felts, wife of William H. Felts, and Mrs. Mary A. Carlisle, wife of Jasper C. Carlisle, all of the county of Choctaw ; Mrs. Martha F. Brantley, wife of Warren A. Brantley, of Dallas county, and Mrs. Mary Griffin, wife of Lewis Griffin, of St. Clair county, Alabama, free dealers ;

To make Lucy H. Dreyspring, of Montgomery county, a free dealer ;

To amend section 844 of the Revised Code ;

To amend an act fixing the time of holding the courts in the second judicial circuit ;

To constitute Clementine C. Constantine, of Greene county, and Mrs. Judith Scott, wife of Robert T. Scott, of Jackson county, free dealers ;

To amend section 1074 of the Revised Code of Alabama ;

To relieve George N. Calhoun, of Madison county, of the disabilities of minority ;

For the relief of John C. Phares, of Sumter county, from the disabilities of minority ;

To authorize and empower executors and administrators to sell stock in the Selma and Meridian Railroad Company at private sale ;

To allow Wash G. Cain to sell real estate ;

For the relief of Fred Kelly and Jane Kelly, of Barbour county ;

To repeal an act entitled " An act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color," approved, December 31, 1868 ;

To repeal an act entitled " An act to incorporate the Tuscaloosa Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University of the State in replacing its library and establishing a scientific museum " ;

To repeal an act entitled " An act to establish a mutual aid association, and to raise funds for the common school system of Alabama," approved October 10, 1868 ;

House bill, to allow the chief justice of the supreme court a clerk ;

Was read twice and referred to a select committee, composed of Messrs. Worthy, Richards and Pennington.

House bill, to legalize, ratify and confirm, all acts and

things of every kind heretofore done and performed in substantial compliance with the provisions of an act of the General Assembly of Alabama, entitled an act to authorize the several counties and cities and towns of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, approved December 31, 1868 ;

Was read three times forthwith and passed.

Senate receded from its amendment to the House amendment to Senate bill,

To authorize the county treasurers of Elmore and Autauga counties to pay salaries in lieu of fees to the solicitors of said counties.

Senate concurred in the amendments of the House to Senate bills,

To vest certain lands therein named in heirs and widow of Isaac L. Ward, deceased, late of Choctaw county ;

To alter, arrange and designate the county boundaries of the counties of Washington and Choctaw, and Choctaw and Sumter ;

To apply and extend the law of garnishment to cases in chancery ;

Memorial to congress for the removal of a land grant.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
February 22, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To ratify the elections held in the towns of Greensboro' and Eutaw, and in the counties of Hale, Greene and Pickens. to subscribe stock to the Selma, Marion and Memphis Railroad Company ;

To regulate the time of holding the courts in the first judicial circuit.

Respectfully,

W. B. CLOUD,  
Clerk.

Message from the Governor as follows :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

For the relief of William S. Napier, of Lawrence county ;

To attach the county of Colbert to the northern chancery division of the State of Alabama, which is to be known as the twelfth chancery district, and to fix the time for holding the court therein ;

For the relief of Mariah D. Jackson, of Pike county, Alabama ;

To make Mrs. Sidney Jones, of Lee county ; Mrs. E. P. Parker, wife of Socrates Parker, of Sumter county ; Mrs. Martha A. Wadsworth, wife of Daniel Wadsworth, of Autauga county ; Mrs. Lavicy Morgan, wife of William Morgan, of Etowah county ; Mrs. Ross, wife of R. F. Ross, of Lee county, and Mrs. Jane C. Whitehead, wife of J. Pinkney Whitehead, of Fayette county, free dealers ;

To declare Martha Howell, of Barbour county, and Martha Maroney, wife of P. D. Maroney, of Shelby county, free dealers ;

To establish an election precinct in Haw Ridge, in the county of Dale ;

To establish a chancery court for Hale county ;

To authorize Julia Knighton, of Cleburne county, to sell certain lands ;

To carry into effect, in Alabama, the provisions of the seventh clause of the consular convention between the United States of America, and His Majesty, the Emperor of the French, concluded on the 23d February, A. D. 1833 ;

To define the corporate limits of Livingston, in Sumter county ;

To provide for the election of Marshall for the city of Tuscaloosa ;

For the relief of the estate of Winfield Woolf, deceased.

To remove the disabilities of non-age from Miss Alabama McDaniel, of Jefferson county ; Wm. Thos. Cheney, of Marengo county, and James W. Heartsfield, of Pike county ; James M. Roquemore, and Isham L. Johnston, of Barbour county ;



To amend and repeal sub-division 10, section 750, Revised Code;

To authorize Eusebius C. Sheffield to settle with his guardian, and to act for himself as if of full age.

Very respectfully, your ob'dt serv't,

D. L. DALTON,  
Secretary.

House bill, supplementary to an act to re-organize the municipal government of the city of Mobile, for the purposes of correcting and re-enacting the same ;

Was taken up on its third reading ;

Mr. Bromberg moved indefinite postponement of the bill ;

Pending consideration of which motion,

Senate adjourned till 7 P. M.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Oliver, Pennington, Royal, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—25.

Senate took up House bill, supplementary to an act,

To re-organize the municipal government of the city of Mobile, for the purpose of correcting and re-enacting the same ;

The question recurred on Mr. Bromberg's motion to postpone indefinitely ;

On motion of Mr. Sibley, the bill was laid on the table.

House bills—

To authorize the commissioners court of Madison county to pay the assessor ;

To amend section 3, of an act to repeal an act to establish the city court of Huntsville ;

To amend an act to incorporate the town of Uniontown, Perry county ;

For the relief of certain citizens of Colbert county ;

To amend the 3d section of an act to incorporate the Alabama annual conference of the Methodist Episcopal church ;

In reference to the incorporation of the Orphan's Home of the Synod of Alabama ;

Were severally read three times forthwith and passed.

House bills—

Supplementary to an act to establish revenue laws for the State of Alabama ;

To secure the collection of the revenue on the business of Express companies ;

Were severally read twice and referred to a select committee composed of Messrs. McAfee, Worthy, Pennington, Sibley and Coon.

House bill, to authorize the judge of the city court of Mobile to transfer certain criminal cases to the circuit court of Mobile county ;

Was read twice and referred to the Judiciary Committee.

House bill, to amend section 56 of an act to regulate elections in this State ;

Was read twice and referred to the Committee on Registration.

House bill, for the relief of George D. Noble, of Montgomery county ;

Was read twice and referred to a Committee composed of Messrs. Farden, Sibley and Oliver.

House bill, relating to the working of public roads in Perry county ;

Was read twice and referred to the Committee on Roads and Public Highways.

House bill, for the relief of C. H. May, ex-sheriff of Russell county ;

Was read twice and laid on the table.

Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, February 23, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards,

Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—30.

Journal of yesterday was read and approved.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Lambert, from the Committee on Manufactures, reported favorably to House bill,

To incorporate the Villa of Cornwall, in Cherokee county ;  
Which bill was read a third time and passed.

Mr. Foster, from the Committee on Accounts and Claims, reported a substitute for Senate bill,

To authorize the payment of attorney's fees in certain cases ;  
Which substitute was laid on the table.

Also, from the same committee, reported favorably to the House joint resolution,

For the relief of E. F. Jennings, T. C. Stewart, and others therein named ;

Which resolution was read a third time and passed.

Mr. McAfee, from the Judiciary Committee, reported favorably to Senate bills,

Requiring the officers of Franklin county to return to the officers of Colbert county, sundry books, papers, &c., belonging to Colbert county ;

To enlarge the jurisdiction of the chancery court in the matter of lands of decedents, &c.;

To amend section 5577 of the Revised Code, regulating appeals from justices of the peace in certain cases ;

Which bills were severally read a third time and passed.

Also, from the same committee, reported favorably to the Senate bill,

To make the clerks of the circuit court of Autauga counties, *ex-officio* clerks of the county courts of said counties ;

Which bill was laid on the table.

Also, from the same committee, reported favorably, with amendment, to Senate bill,

To create a new chancery district out of the counties of Dale and Henry ;

The amendment was adopted, the bill read a third time and passed.

Messages from the House, as follows :

HOUSE OF REPRESENTATIVES,  
February 19, 1870. }

*Mr. President :*

- The House has amended, and passed Senate bill,  
To make Nancy Vanzandt, of Calhoun county, a free dealer ;  
And have passed Senate bills,  
Concerning the estate of Wm. H. Smith, deceased ;  
To authorize commissioners court of Crenshaw county, to levy a special tax to build a court house ;  
To authorize the commissioners court of Crenshaw county, to borrow money to build a court house ;  
To authorize and empower executors and administrators to sell stock in the Selma and Meridian railroad company at private sale ;  
To incorporate the town of Moorsville, in the county of Limestone ;  
To authorize persons holding claims against any railroad companies for damages, to transfer said claims ;  
To legalize the marriage of R. B. Newton and Sarah Black ;  
Have originated and passed the following bills :  
To further define the duties of the commissioners of Industrial Resources ;  
For the relief of the county officers of Dale county ;  
To authorize the county treasurer of Jackson county to pay juror certificates ;  
To register and pay the debt of Dale county ;  
To incorporate the Hackneyville male and female academy ;  
To establish, a standard for the measurement of scantling, boards, plank, cubical contents of square and sound timber, and saw logs ;  
To change the name of Kate Williams to Kate May ;  
To amend an act to incorporate the town of Oxford ;  
To annul an act to incorporate the town of Somerville, in Morgan county ;  
To establish precincts in the county of Colbert ;  
To repeal an act to incorporate the Mobile Trade company ;  
And have concurred in Senate amendments to House bills ;  
To declare Elvira W. Jones, wife of Wm. E. Jones, of the county of Greene, a free dealer ;

To make Anna E. Fox, Elizabeth G. Read, and Elizabeth C. Buchanan, free dealers ;

To amend the charter of the city of Demopolis ;

To define the duties of chancellors in this State ;

To amend an act to incorporate the Stafford Mills ;

To make Susan E. Bunting a free dealer ;

To declare Wm. Russell of Coffee county, a citizen of Geneva county ;

To make Mrs. Mary E. Brown and Mrs. M. S. Owen, free dealers ;

To amend section 4 of an act to incorporate the Vicksburg railroad company.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 23, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To amend the 1st section of an act to regulate the inclosure of stock in Greene county, approved Dec. 29, 1868 ;

To amend section 2645 of the Revised Code ;

To prevent the sale of spirituous liquors in the towns of Louina and Flat Rock, in Randolph county, on certain days therein named ;

To provide for the protection of schools in this State ;

For the relief of Cornelia Oliver of Cherokee county ;

To change the name of T. V. H. Reeves to that of V. H. Wamble, and make him the lawful heir of Andrew Wamble ;

For the relief of the sheriff of Clarke county ;

To regulate the practice in chancery before the circuit judges of this State, under article 6, and section 5, of the Constitution of this State ;

To amend section 2345 of the Revised Code ;

To regulate the sessions of the circuit court of Baldwin county ;

To allow the sale of camp ground of M. E. Church, in Morgan county, to apply proceeds to building church ;

To incorporate the town of Hillsboro, in county of Lawrence ;

To amend section 3326 of the Revised Code ;

For the relief of Sarah A. Parker, Amanda J. Childers,

Sabrina A. Prince, Elizabeth Stubblefield and Fannie C. Slater ;

For the relief of Daniel C. Tichnor, of Tallapoosa county ;

For the relief of the tax collector of Washington county ;

To authorize the commissioners court of Sanford county, to levy a special tax for the purpose of building a court house in said county ;

To incorporate the Union Baptist church in Russell county ;

Authorizing the judge of probate of Tuskaloosa county to take jurisdiction and make final settlements in certain cases herein named ;

To facilitate the collection of bills for legal notices ;

To establish a county court in Mobile county ;

To fix the time of holding the terms of the chancery court in the 6th district of the western chancery division of Alabama.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 23, 1870. }

*Mr. President :*

The House has passed Senate bills, as follows :

To amend act approved 26th January, 1858, to incorporate the Factors and Grocers Marine and Fire Insurance company ;

To appoint the time for holding the chancery court for the county of Clarke ;

To amend an act to incorporate the city of Eufaula ;

To repeal an act to re-organize the Centerville Bridge company ;

To repeal a provision of section 3d of an act to adopt the law in relation to the incorporation of the city of Tuscumbia ;

To incorporate the town of Greensboro, in the county of Hale ;

To revise, continue in force and amend an act entitled an act to incorporate the grand and subordinate divisions of the order os Sons of Temperance ;

To incorporate the Troy hook and ladder company, No. 1, in the town of Troy ;

To incorporate the Warrior Bridge, Pontoon and Ferry company.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate bill, to regulate common carriers, was taken up on its second reading ;

The question recurred on Mr. Pennington's amendment to Mr. Worthy's amendment ;

Mr. Pennington withdrew his amendment ;

Mr. Whitney moved to amend Mr. Worthy's amendment, by striking out the word "colonel" ;

Mr. Barr moved to table both amendments ;

Which motion was lost ;

Pending consideration of Mr. Whitney's amendment,

Senate took a recess till 7 P. M.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Coon, Glass, Jones, Lambert, Lentz, McAfee, Mahan, Oliver, Royal, Sanford, Sevier, Sibley, Wise, Worthy and Yordy—12.

Senate resumed consideration of Senate bill, to regulate common carriers.

Mr. Whitney's amendment, striking out "colonel" from Mr. Worthy's amendment, was adopted.

Mr. Coon moved to amend the same amendment, by striking out the word "separate" ;

Which motion was laid on the table ;

Mr. Sevier offered a substitute ;

Which, on motion of Mr. Coon, was laid on the table ;

And Mr. Worthy's amendment was laid on the table ;

Mr. Oliver moved to strike out the words "race, color or previous condition" ;

Which motion, on motion of Mr. Hinds, was laid on the table ;

Mr. Richards moved to postpone the further consideration

of the bill and order it to be engrossed for a third reading at 1 P. M. to-morrow ;

Mr. Sibley offered the following resolutions, which lie over one day :

*Resolved*, That hereafter no Senator shall be allowed to speak more than five minutes at any one time ;

*Resolved*, That the President of the Senate, or the officer acting as such, be requested to apply and enforce the strictest construction of the rules of the Senate.

### Messages from the House :

HOUSE OF REPRESENTATIVES, }  
February 23, 1870. }

*Mr. President :*

The House has passed the following Senate bills :

To provide payment for chandaliers and light in the State Capitol ;

To incorporate the town of Linden, in Marengo county ;

And has originated and passed a bill,

To explain and define the meaning and true intention of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 23, 1870. }

*Mr. President :*

The House has originated and passed a bill,

To regulate the publication of legal and other notices in Covington county.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then adjourned till 10 o'clock to-morrow morning.



THURSDAY, February 24, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, King, Lambert, Lentz, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Whitney, Worthy and Yordy—30.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Pennington on account of sickness.

Leave of absence was also granted to Messrs. King and Lentz for the balance of the session.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to provide payment for chandeliers and light in the State Capitol;

An act to repeal an act entitled an act, to regulate the fees of justices of the peace and constables in Demopolis beat, in Marengo county, Alabama, and the time of holding courts of justices of the peace in said beat, and the mode of issuing and serving process therefrom, approved February 20, 1866;

An act for the relief of Jerome C. Thompson, of Choctaw county;

An act to change the boundary line between the counties of Marshall and Blount;

An act to allow the administrators of the estate of William M. Burgess, deceased, to sell real estate at private sale.

Mr. Sibley's resolution to limit speeches to five minutes was taken up;

Mr. Jones moved to strike out "five" and insert "thirty";

Mr. Farden moved to amend by making the time "ten";

Said amendments were laid on the table;

Mr. Jones moved to amend as follows:

That said resolution shall not apply to the common carrier bill;

Which amendment was laid on the table;

Mr. Jones moved to substitute "fifteen" for the "five" minutes ;

Which amendment was laid on the table ;

On motion of Mr. Sevier, the resolution was amended as follows :

*Provided*, That this resolution shall apply only to the balance of the present session ;

Mr. Jones moved to substitute 35 minutes ;

Mr. Sibley moved to amend said amendment as follows :

*Provided*, That the restriction of the resolution shall not apply to the Senator from Marengo county ;

Which was laid on the table ;

Mr. Lambert moved to substitute "12" ;

Which motion was laid on the table ;

Mr. Worthy moved to amend as follows, which was voted out of order :

*Provided*, That it is distinctly understood by this resolution that the "gag law" shall be invoked hereby, and Senators shall be deprived of their constitutional right to discuss bills before this body.

Mr. Bromberg moved to refer the resolution to a select committee.

Mr. Worthy, in the chair, decided the resolution to be unconstitutional ;

From which Mr. Coon appealed, and the decision of the chair was sustained.

#### REPORTS FROM STANDING COMMITTEES.

Mr. McAfee, from the Judiciary Committee, reported favorably to Senate bill,

To amend section 107, and repeal sections 107, 108, 109 and 118 of the revenue laws of Alabama ;

Which bill was recommitted to the select committee on revenue.

Also, from the same committee, reported favorably to Senate bills,

To authorize the making affidavits to claims filed against insolvent estates at any time previous to a final settlement ;

To amend section 4052 of the Revised Code ;

Which bills were severally read a third time and passed.

At 12 o'clock the Senate bill,

To regulate common carriers, came up as unfinished business.

Mr. Bromberg moved to postpone the bill.

Mr. Coon moved to lay said motion on the table ;

Which motion was lost.

Mr. Bromberg then withdrew his motion.

Mr. Worthy moved to amend as follows :

*Provided*, That nothing herein contained shall prevent all common carriers from complying with the laws already of force in this State, on the subject of the powers and duties of common carriers ;

Which amendment, on motion of Mr. Coon, was laid on the table ;

Yeas 17, nays 6.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Royal, Sanford, Sevier Sibley, Stow and Yordy—17.

Those who voted in the negative are—

Messrs. Mabry, Mahan, Martin, Morton, Oliver, Wise and Whitney—6.

Bill was then ordered to a third reading.

Messages from the House.

HOUSE OF REPRESENTATIVES, }  
February 24, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To enable the North Alabama Agricultural and Mechanical Association to re-organize under its charter ;

For the relief of the sheriff of Sumter county ;

And amended and passed Senate bill,

To establish a new charter for the city of Eufaula ;

And originated and passed a bill,

To provide for the investment of the school fund in this State ;

And concurred in Senate amendments to House bill,

To establish a new charter for the city of Huntsville.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 24, 1870. }

*Mr. President :*

The House has amended and passed, as therein shown, the Senate bill,

To be entitled “ An act to authorize the Governor of the State of Alabama, on the part of the State, to endorse the first mortgage bonds of the Mobile and Montgomery Railroad Company, and ordered the same immediately to the Senate.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate concurred in all of the amendments of the House, separately, to Senate bill,

To authorize the Governor of the State of Alabama to endorse, on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company ;

And then concurred in said amendments as a whole ;

Yeas 23; nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden Foster, Glass, Hinds, Jones, Lambert, McIntosh, Martin, Miller, Morton, Oliver, Royal, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—23.

Messrs. McAfee, Richards and Sanford were excused from voting—3.

Mr. Bromberg, from select committee, made the following

#### REPORT :

*To the Honorable President of the Senate :*

SIR—Your select committee, to whom was referred the subject of alleged tampering with engrossed and enrolled bills originating in the Senate, have concluded their investigations and report—

That they desire to express no opinion as to who are the parties guilty of making the fraudulent alterations in the engrossed Senate bill, entitled “ An act to re-organize the municipal government of the city of Mobile, and to provide for an election of the officers thereof,” alluded to in the first report upon this subject, made by this committee. They pre-

sent herewith the entire testimony as taken by them, leaving to the Senate to draw its own conclusions, and to take such action as may to it seem best thereon, and respectfully ask to be discharged.

Respectfully,

FRD'K G. BROMBERG,  
Chairman.

A. N. WORTHY,  
WM. MILLER, JR.

Montgomery, Feb. 24, 1870.

Which was read.

Senate ordered 550 copies of said report, with the evidence, and also the report submitted last week, to be printed ;

Said committee was then discharged.

Senate concurred in the amendment of the House to Senate bill,

To establish a new charter for the city of Eufaula ;

Mr. Mabry, from select committee, submitted the following report, fifty copies of which, with the evidence, was ordered to be printed :

Your select committee to investigate the action of the commissioner of lotteries, have had the same under consideration and report—

That the evidence shows that said commissioner has issued licenses for carrying the games of " keno " and " roulette " in different portions of the State, and received money therefor, and that he has never paid over to the superintendent of public instruction any of said money, as required by law.

It is evident that said commissioner claims unlimited authority by virtue of an act entitled " An act to regulate lotteries," to license gaming tables all over the State, and that said commissioner is now licensing such establishments. Your committee, therefore, recommend that the act above referred to, under which said commissioner claims to act, be immediately repealed.

Your committee further recommend the passage of the following resolution :

*Resolved*, That the commissioner of lotteries, (Mr. Whitfield,) be, and he is hereby required to pay over to the superintendent of public instruction all moneys collected by him from lotteries, licenses of gaming tables, &c.; and if he refuses to do so, the law officer of the State be and he is hereby

instructed to institute suit without delay, to carry into effect the object of this resolution.

Senate then took a recess till 7 p. m. to receive reports from committees.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—27.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Coon, from the select committee, reported favorably, with amendments, to House bill,

To establish a criminal court for the county of Dallas ;

Which amendments were adopted, the bill read a third time and passed.

Mr. Jones offered the following,

Which was adopted unanimously :

*Resolved*, That the thanks of the Senate be and are hereby tendered to the Hon. A. J. Applegate, Lieutenant-Governor of Alabama, for the able and impartial manner in which he has discharged the difficult and delicate duties of his position as president of the State Senate.

And also the following, which was adopted unanimously, (Mr. Worthy in the chair) :

*Resolved*, That we tender our thanks to Hon. R. N. Barr, for the impartial manner in which he has presided over the State Senate as President *pro tem.*, during the illness of the Lieutenant Governor.

Mr. Coon, from Select Committee, reported two substitutes for the Senate bill,

To create a 13th judicial circuit, and to include the county of Greene in the 1st judicial circuit ;

The first substitute was adopted ;

Mr. Sevier moved to amend as follows :

*Provided*, That at the expiration of 12 months, from and

after the passage of this act, this judicial circuit shall be resolved back into the original judicial circuit as it was before this circuit was created ;

Which amendment was laid on the table ;

Mr. Worthy moved to lay the bill on the table ;

Which motion was lost.

Said bill was then ordered to a third reading.

Senate refused to postpone indefinitely, the other substitute ;

And said substitute was ordered a third reading.

Mr. Coon, from Select Committee, reported favorably to House bill,

To prescribe the time for holding the chancery court in the 4th district of the Southern division ;

Which bill was read a third time and passed ;

Mr. Coon, from the Committee on Internal Improvements, reported favorably, with amendments to Senate bill,

To release the Tennessee and Coosa railroad company from its indebtedness to the State of Alabama ;

Which bill and amendments were made special order for 12 o'clock to-morrow.

Senate then adjourned till 10 o'clock to-morrow morning.

FRIDAY, February 25, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—29.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Lambert for the balance of the session, from 2 p. m. to-morrow.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled,

To incorporate the town of Moorsville, in the county of Limestone ;

For the relief of the sheriff of Sumter county ;

To amend an act to incorporate the city of Eufaula ;

To repeal an act to re-organize the Centerville Bridge company ;

To repeal a provision of section 3d of an act to adopt the law in relation to the incorporation of the city of Tusculumbia, approved December 28, 1868 ;

To authorize the Governor of the State of Alabama to endorse on the part of the State, the first mortgage bonds of the Mobile and Montgomery railroad company.

Mr. Miller, from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed, as follows :

House joint resolution, providing for the adjournment *sine die* on the 25th instant ;

Was taken up ;

The question recurred on Mr. Jones's amendment to "March 15th";

Mr. Worthy moved to amend said amendment, so as to adjourn "March 2d ;"

Which was adopted ;

Yeas 21, nays 6.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, McIntosh, Mabry, Martin, Morton, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise and Whitney—21.

Those who voted in the negative are—

Messrs. Lambert, McAfee, Mahan, Oliver, Worthy and Yordy—6.

Mr. Sevier introduced a bill, to establish additional precincts in the county of Colbert ;

Which was read three times forthwith and passed.

#### REPORTS FROM STANDING COMMITTEES.

Mr. McAfee, from the Judiciary Committee, reported favorably to Senate bills,

For the relief of Lawrence Speed and others ;

To regulate the appointment and authority of the guardians hereafter to be appointed for Beauregard and Kate Carter ;



To repeal section 18, of an act to incorporate the New Orleans, Mobile and Chattanooga railroad company ;

To relieve Ann M. Sassnett, of Elmore county ;

To authorize and empower Thomas F. Taylor, a minor, of Autauga county, to settle with his guardian ;

To better secure the exemption of real estate from levy and sale by any legal process ;

To amend an act to extend the time in which to open judgments and grant new trials in certain cases ;

Prohibiting the judges and clerks of courts of the State from holding the office of general administrator of the county ;

Which bills were read a third time and passed.

Also, from the same committee, reported favorably to Senate bill,

To authorize the county commissioners of this State to allow salaries to the county solicitors ;

Which bill was then ordered to a third reading.

Also, from the same committee, reported favorably to the Senate bill,

For the relief of Lafayette Reed ;

Which bill was read a third time and passed.

Yeas 15, nays 5.

Those who voted in the affirmative are—

Messrs. Barr, Bromberg, Buckley, Coon, Foster, Glass, Jones, McIntosh, Martin, Richards, Sanford, Sevier, Sibley, Wise and Yordy—15.

Those who voted in the negative are—

Messrs. Mabry, Mahan, Oliver, Royal and Worthy—5.

Also, from same committee, reported favorably to Senate bill,

To amend section 4092 of the Revised Code ;

Mr. Worthy moved to indefinitely postpone the bill.

At 12 o'clock, the special order for that hour came up, it being,

Senate bill, to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama ;

Amendment reported by the committee were adopted, the bill read a third time and passed ;

Yeas 24, nays 0.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Stow, Wise, Worthy and Yordy—24.

Mr. Coon, from the Committee on Internal Improvements, reported favorably to House bill,

To ratify and confirm the contract made by the Selma, Rome and Dalton Railroad Company with John Everett and others ;

Which bill was read a third time and passed.

Mr. Richards, from select committee, reported adversely to Senate bill,

For the more thorough organization of the State Lunatic Asylum ;

Which report was concurred in.

Mr. Richards, from select committee, to visit the insane asylum, submitted the following report,

Which, with the bill reported, was ordered to be printed (500 copies) :

#### REPORT :

The Joint Committee, who were appointed to visit the Insane Hospital at Tuskalooza, and report thereon, have attended to the duty assigned them, and respectfully submit the following report :

Your committee were happy in being able to discover that the apparent discrepancy between the report of the Treasurer of the Insane Hospital, and the Auditor's accounts with the Asylum, can be explained without charging the Treasurer or other officers of the Institution with embezzlement or misapplication of the funds appropriated by the State.

The Auditor says, on page 26th of his report, "The Treasurer, Mr. W. Moody, in his report, ending the 28th day of October, 1868, acknowledges the receipt of but \$27,308 from the State, while the records of this office show that the hospital received, by warrants issued, the full sum of \$30,484, the last warrant bearing date July 3, 1868. This would give a balance on hand October 28th. 1868, of \$17,042 16, instead of \$9,856 16, as reported by the Treasurer."

Here is a difference of \$7,176, which appears to the discredit of the Treasurer. But the Treasurer has explained this by showing that the last warrant named by the Auditor, dated July 3d, 1868, and which he failed to report, of the exact amount of this discrepancy, viz : \$7,176, he had not drawn from the State Treasury, and, consequently, he did not include it in his account as cash received, or in his balance of cash on hand ; and hence, his account does not conflict with

that of the State Treasurer, though it does with that of the Auditor.

Again, the Auditor says, on page 24 of his report, "Upon examination of the account of Mr. W. Moody, Treasurer, we find that on the 28th day of October, 1868, he had on hand a balance of \$9,866 16. Since the last date above named, there has been paid by warrant from this office, on account of the hospital, the sum of \$38,424, making the whole amount to be accounted for this day (October 12th, 1869,) \$48,290 16, with a claim still unpaid for the quarter ending September 30th, 1869." Now, while Mr. Moody does not acknowledge receipts from the State only to the amount of \$28,012, up to October 1st, 1869, if we add to this sum the balance he had on hand on the 28th day of October, 1868, which he omitted to mention in his report to the Governor, but which he did certify to this committee, and also the \$10,412 which he received twelve days after the closing of his account for that year, and which, of course, he could not acknowledge in his report of receipts to that date, viz: October 1st, 1859—and his account agrees exactly with that of the Auditor.

In his report for the year ending September 30th, 1868, the Superintendent remarks: "Let it be distinctly understood, that a daily average of 140 patients have been boarded, clothed, lodged and medically treated; that the salaries and wages of superintendent, physician, officers and employees have been paid; that a large building has been kept in repair, and important additions made, at a total of \$26,267 98, and at an average of \$187 05 for each patient per annum, or a little more than \$15 per month." On this the Auditor says: "No further reference need be made to demonstrate what has been claimed in this report. If \$26,267 98 was the total cost of hospital for the year ending October 15th, 1868, why did they certify to this office \$31,484 as actual expenses, especially when the Treasurer's report shows that on the 25th day of October, 1867, there was a balance in the treasury of \$5,457 46? If the total cost for repairs, additions, &c., together with salaries of all the officers and employees, and expense of patients, was, as stated in report above referred to, about \$15 per month for each patient, why did they draw, as the record shows they have done, over \$17 per month for each patient, and also certify and draw the money for salaries of officers to the amount of \$4,000 per annum besides?" He adds: "There is no resisting the conclusion that *more*

*moneys* have been drawn by the officers of the Insane Hospital than contemplated in the statute referred to."

The balance remaining in the hands of the Treasurer at the end of the year, over and above that at the close of the preceding year, may account mainly for the difference in the figures of the State Auditor and those of the Superintendent, so far at least as to preclude any suspicion of misapplication or squandering of the funds on the part of the officers of the Asylum; yet, to reconcile them with the fact that no more money has been drawn from the State Treasury by them than is provided for, according to the strict interpretation of the statute, would be a more difficult task.

The law provides—(See Revised Code, sec. 1064)—that "the annual salaries of the resident officers of the hospital, together with the actual costs of boarding, lodging and clothing any indigent or criminal patients who have been received upon order of any court or judge, shall be paid quarterly, on the last days of September, December, March and June, by drafts drawn on the Comptroller of Public Accounts by the Treasurer of the Hospital, countersigned by the Superintendent."

Here it will be seen that the Treasurer of the Hospital is authorized to draw money from the State Treasury only for the annual salaries of the officers, and for the actual costs of boarding, lodging and clothing indigent patients. But your committee are informed, that in making drafts in favor of the hospital, it has been the uniform practice to estimate the actual costs at \$4 per week for each indigent patient, without regard to the varying price of supplies, and this amount is made to cover all costs, not only for boarding, lodging and clothing the patients, but also for building, repairs, and other improvements on the premises; and even then the funds have accumulated to a very considerable amount in the hands of the Treasurer.

At the beginning of the present year, October 1st, 1869, the Treasurer acknowledges a cash balance in his hands of \$10,085 22. There was then due for quarter ending the 30th day of June preceding, on a warrant of the Auditor, to the amount of \$10,412, which was drawn from the State Treasury twelve days later, and a claim for the quarter ending September 30th, 1869, of precisely the same amount; also, a warrant issued July 3, 1868, on which the money has since been drawn, amounting to \$7,176. Besides this there

were supplies on hand the 1st day of October, 1869, estimated at the value of \$6,289.

Thus it appears that at this date there was an actual accumulation of funds in favor of the hospital, and at the control of its officers, in the form of money, warrants of the Auditor, and supplies in possession of the steward, to the amount of \$33,962 22. If we add to this the claim of the hospital for the quarter ending September 30th, for \$10,412, then due, and for which the Treasurer issued his draft on the Auditor, but which has not yet been honored by him, it will swell the amount to the very handsome sum of \$44,374 22, with which to begin the new year, with no outstanding debts reported.

Here may be evidence of economy and good management on the part of the officers of the Insane Hospital, but we are driven to the conclusion that more money has been called for and drawn from the treasury than can be justified, even by the most liberal construction of the statute, and your committee are unanimous in the opinion that there should be some change in the manner of estimating the "actual costs" for the maintenance of the indigent and criminal insane in this State, or that the provisions of the law should be more carefully adhered to.

The facts as above stated are substantially acknowledged by the Superintendent of the Hospital, in a communication addressed to your committee. He says :

"The last money received from the State, of which I have any knowledge, was for the second quarter of 1869, and Judge Moody, the Treasurer, holds a warrant upon the State for about \$7,000. If it should be thought advisable, further payments for 1869 may be ignored, and the warrant in the hands of Judge Moody either recalled or ordered to be appropriated in improvements of which we are sadly in need."

In accordance with this suggestion, the committee would recommend, that no money shall be drawn from the State treasury for the insane hospital, for at least the first three quarters of the current fiscal year, commencing October 1st, 1869, if not for the entire year ; as it is clearly evident, that if the \$10,412 for the last quarter of the preceding year, that has already been called for at the treasury, be paid, it will augment the amount of funds, both already expended, and yet remaining in the hands of the officers, to a sum greater than has ever been expended in support of the institution, in any one year. Additional building, repairs and improvements on the premises, may require further appropriations ; but the

accumulation as we have shown above, to the amount of \$44,374 22, at the beginning of the present year, ought to be sufficient to defray all the necessary "actual costs" for every purpose, during the entire year. This will afford an allowance of more than \$11,000 for each quarter of the year.

Your committee take great pleasure in bearing honorable testimony to the fidelity and good management that was manifested on the part of the superintendent and other officers in charge of the hospital. Perfect neatness and order and comfort were every where discoverable about the premises. There are near two hundred patients of every description, at present in the asylum, and all appeared as contented and happy, and as well cared for as we might suppose it possible in the case of this most unfortunate class of our citizens. Some further accommodations and improvements will soon be needed, if not at present, to meet the wants of the rapidly increasing number of the indigent insane, who call for support and treatment at the hands of public benevolence. There is no class more deserving of our pity and commiseration than they, and the Legislature should be prompt and liberal in their appropriations for ministering to them comfort, and the means for their restoration.

Your committee have prepared a bill, herewith accompanying this report, and constituting a part of the same, to be entitled "An act to regulate appropriations for the insane hospital at Tuscaloosa," and recommend its adoption and passage.

All of which is respectfully submitted.

J. DEF. RICHARDS,  
Chairman.

J. W. MAHAN,  
E. F. JENNINGS,  
M. R. BELL,  
S. W. JONES.

Also, from the Select Committee to visit the Medical College at Mobile, submitted the following report, of which and the bill reported, 500 copies were ordered to be printed :

#### REPORT OF JOINT COMMITTEE TO VISIT MEDICAL COLLEGE OF ALABAMA.

The joint committee who were authorized to inspect the building of the medical school in Mobile, connected with the State University, and report thereon, have attended to the

duty assigned them, and respectfully submit the following report :

Your committee found the building of the medical college in a dilapidated condition, entirely unsuitable for the purposes of the institution. It was severely injured by the great explosion that occurred in Mobile some time since.

The roof was badly constructed in the beginning, and has since become much impaired, and is in a very leaky condition, much to the detriment of the interior, and needs to be entirely reconstructed. Much of the plastering has fallen from the ceilings, and the whole building needs extensive and thorough repairs, which can be done only at a large expense.

We are informed that there is also an old claim against the trustees of the medical college, in behalf of the mechanics who originally built the edifice, to the amount of some \$2,500, still remaining unpaid.

The importance of such an institution in the State for the instruction and training of young men for the medical profession, can scarcely be over estimated. The health and lives of all the people are directly and intimately concerned in it. It is the only one of the kind in the State. We must furnish our young men with the facilities for instruction in anatomy, surgery and medicine, in an institution of our own, or we must be under the necessity of sending those who are to practice as physicians among us, to other States to be educated. This we ought not to do.

If the legislature acted wisely in the establishment of the medical college of Alabama, and in appropriating \$50,000 for the erection of the large and commodious building to subserve the wants and purposes, shall we not now be very unwise to refuse a small sum to save that building from ruin, and the institution itself from utter annihilation? We are assured by the faculty and trustees, that this must be the inevitable result, unless the legislature come speedily to their help.

The building is admirably constructed as to arrangement and convenience, and the institution is furnished with a very good chemical laboratory and apparatus. It has also a fine classified assortment of drugs and medicines, and one of the finest and most valuable anatomical museums in the United States. All this is worth preserving for the public good.

In consideration of the former liberality of the State to the institution, the faculty obligated themselves to educate thirty-three indigent young men for the medical profession annually;

free of charge. This pledge is to be made good, and held sacred perpetually, so long as the medical college can be sustained. This is an additional reason why the legislature should come to the aid of the trustees and faculty at this time of their extremity.

Your committee, therefore, have prepared and offer a bill herewith accompanying this report, and constituting a part of the same, appropriating the sum of ten thousand dollars, to meet the present exigencies of the College, and recommend its passage.

All of which is respectfully submitted.

B. DE F. RICHARDS,  
Chairman.

J. W. MAHAN,  
E. F. JENNINGS,  
M. R. BELL,  
S. W. JONES.

Mr. Coon, from the Committee on Internal Improvements, reported favorably to Senate bill,

To repeal an act to incorporate the North Alabama Manufacturing company ;

Which bill was read a third time and passed.

Mr. Worthy, from Select Committee, reported favorably to House bill,

To allow the chief justice of the supreme court, a clerk ;

Which bill was read a third time and passed.

Senate bill to re-imburse the county of Montgomery for maintenance of indigents belonging to other counties ;

Was taken up, the question recurring on Mr. Worthy's amendment ;

Mr. Stow moved to lay said amendment on the table ;

Which motion was lost ;

On motion of Mr. Worthy, the bill and amendment were laid on the table ;

Those who voted in the affirmative are—

Messrs. Buckley, Farden, Jones, Lambert, Mabry, Mahan, Miller, Morton, Oliver, Sanford, Sevier, Sibley, Wise, Worthy and Yordy—15.

Those who voted in the negative are—

Messrs. Barr, Bromberg, Coon, Foster, Glass, McAfee, Martin, Richards, Stow and Whitney—10.

Messages from the House :



HOUSE OF REPRESENTATIVES, }  
February 25, 1870. }

*Mr. President :*

The House has concurred in amendments to House joint resolution in relation to adjournment, and originated and passed,

A bill to make the bonds of the State uniform.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 25, 1870. }

*Mr. President :*

The House has concurred in all the Senate amendments to House bill,

To establish a criminal court for the county of Dallas ;

And originated and adopted a joint resolution, as herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed a bill which originated in the Senate, to be entitled as follows :

To authorize the Governor of the State of Alabama to endorse on the part of the State, the first mortgage bonds of the Mobile and Montgomery railroad company.

Very respectfully, your ob'dt serv't,

D. L. DALTON,  
Secretary.

Senate took a recess till 7 P. M.

## NIGHT SESSION.

Senate met pursuant to adjournment.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Coon, Farden, Foster, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—25.

Mr. Sevier, from select committee, reported favorably, with amendments, to House bill,

To establish a medical board in Lawrence county;

Which amendments were adopted, the bill read a third time and passed.

Mr. Foster introduced a bill,

To provide for the permanent location of the county site of Choctaw county;

Which was read twice and referred to the Committee on Municipal and County Organizations.

Mr. Jones introduced a bill,

To amend chapter 4, title 6, part 2, of the Revised Code ;  
Which was read twice and ordered to a third reading.

Senate bill, to amend section 1755 of the Revised Code ;

Was recommitted to same select committee.

Senate bill, to legalize the organization of all companies incorporated under an act to amend section 1755 of the Revised Code, so as to extend the provision thereof to life insurance and mutual aid companies ;

Was read twice forthwith and ordered to a third reading.

Mr. Coon, from the Committee on Internal Improvements, reported favorably, with amendments, to Senate bill,

To make a final distribution and appropriation of the three per cent. fund.

Mr. Oliver moved to lay the bill and amendment on the table ;

Which motion was lost.

First amendment was laid on the table.

Pending consideration of second amendment,

Senate adjourned till 9 o'clock to-morrow morning.

SATURDAY, February 26, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

# ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAlee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—29.

Journal of yesterday was read and approved.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to enable the North Alabama Agricultural and Mechanical Association to re-organize under its charter ;

An act concerning the estate of Wm. H. Smith, deceased.

Mr. Miller, from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed.

Mr. Wise, from the Committee on Internal Improvements, reported favorably to Senate bill,

To amend and repeal section 8 of an act to authorize the Savannah, Griffin and North Alabama Railroad Company to extend their railroad from the Alabama line to a point between Talladega and Jacksonville ;

Which bill was read a third time and passed.

House bills—

To incorporate the town of Union Springs ;

To change the name of the Alabama Transit Company ;

To authorize the commissioners court of Sanford county to levy a special tax for the purpose of building a court-house ;

To authorize Mrs. A. A. Depree, of Baker county, to sell the real estate belonging to the estate of her late husband ;

To authorize Mrs. Mary Moats, of Baker county, to sell the real estate of her late husband ;

To amend an act to incorporate the town of Mount Hope, Lawrence county ;

To authorize B. O. Masterson, A. B. Masterson, and their associates, to erect a dam across town creek in Lawrence county ;

**For the relief of Cornelia Oliver, of Cherokee county ;**  
**To incorporate the town of Somerville ;**  
**To regulate the mileage of the members of the commis-**  
**sioners court of Franklin and Colbert counties ;**

Were severally read three times forthwith and passed.

**House bill, to amend the charter of the town of Gainesville,**  
**Sumter county ;**

Was read twice.

On motion of Mr. Yordy, the bill was amended by additional section 5.

As amended, the bill was read a third time and passed.

**House bill, to authorize Mrs. Mary Popwell, of Baker**  
**county, to sell the real estate belonging to her late husband,**  
**James M. Popwell, deceased ;**

Was read twice.

On motion of Mr. Oliver, the bill was amended as follows :

*Provided*, Said sale shall be approved by the judge of probate of said county ;

As amended, the bill was read a third time and passed.

House bills—

**For the relief of the sheriff of Clarke county ;**

**To amend act to incorporate the Baptist Female Institute**  
**at Moulton, approved February 7, 1852 ;**

Were severally read twice and ordered to a third reading.

**House bill, to regulate the service on the defendant of a**  
**copy of the indictment, and the list of jurors summoned for**  
**his trial in capital causes in Mobile county ;**

Was read and indefinitely postponed.

**House bill, to make the bonds of the State uniform ;**

Was read and laid on the table.

**House bill, to regulate the publication of legal notices in**  
**the counties of Shelby, Walker, Baker, DeKalb, Calhoun,**  
**Marshall, Winston, Franklin, Coosa and Marion ;**

Was read twice.

Mr. Oliver moved to include Jefferson and St. Clair.

Mr. Farden moved to amend said amendment so as to make  
the law apply to all the counties of the State ;

Bill and amendments were laid on the table.

**House bill, to provide for the investment of the school**  
**fund ;**

Was read twice.

Mr. Worthy moved to lay the bill on the table ;

Which motion was lost.

Bill was then referred to the Committee on Education.

**Message from the Governor in writing, nominating sundry persons for trustees of the Insane hospital.**

**Senate then went into Executive session.**

**Said message was finally postponed and made special order for 11 o'clock on Monday next.**

**Messages from the House, as follows :**

HOUSE OF REPRESENTATIVES, }  
February 26, 1870. }

*Mr. President :*

**The House has originated and passed a bill,**

**To revive and put in full force an act entitled " An act to incorporate the town of Lafayette, in Chambers county ;**

**To repeal an act entitled " An act to establish a masonic home in the county of Chambers," approved October 5, 1868.**

**Respectfully,**

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 26, 1870. }

*Mr. President :*

**The House has passed the following Senate bills :**

**For the relief of the judge of the county court of Madison county ;**

**To authorize the probate court of Montgomery county to take jurisdiction of the estate of Sterling Lanier ;**

**To raise a fund for the benefit of the Fire Companies in the city of Mobile ;**

**To regulate the time for holding courts in the 2d judicial circuit ;**

**For the relief of Thomas M. Geer and Nancy Geer, of Cleburne county, of non-age ;**

**To establish an election precinct in the county of Lee, to be known as Whitten's shop ;**

**To authorize the sale of the 16th section, in township 17, range 18, 1 west, in Sumter county ;**

**To repeal section 1664 of the Revised Code ;**

**And amended and passed Senate bill,**

**To define and declare the compensation of the county commissioners of Dale county ;**

**And originated and passed the following bills :**

To amend the 2d section of an act to incorporate the Vicksburg and Brunswick railroad company ;

To allow the sheriff of Madison county increased pay for the support of prisoners under his charge.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate then took recess till 7 P. M.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Glass, Jones, McAfee, Martin, Oliver, Sevier, Worthy and Yordy—9.

Senate then adjourned till 10 o'clock Monday morning.

MONDAY, February 28, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—28.

Journal of Saturday was read and approved.

Mr. Miller, from the Committee on engrossed bills, reported sundry bills as correctly engrossed.

Mr. Yordy, from the Committee on Enrolled bills, reported as follows :

The Committee on enrolled bills report as correctly enrolled, bills of the following titles :

Authorizing the commissioners court of roads and revenue

in the counties of Elmore and Autauga to pay salaries in lieu of fees to the solicitors of said counties ;

To amend an act entitled an act to amend sections 3, 8 and 13, of an act in relation to chancery courts in Alabama ;

To incorporate the town of Linden, in Marengo county ;

To authorize persons holding claims against any railroad company in this State, for damages on their lands or other property, to transfer said claims ;

To authorize the commissioners court of Crenshaw county, to borrow money and issue therefor warrants upon the county treasurer to be paid out of the special tax raised to build a court house ;

To apply and extend the law of garnishment to causes in chancery ;

To legalize the marriage of R. B. Newton, and Sarah Black, of Geneva county ;

To authorize and empower executors and administrators to sell stock in the Selma and Meridian railroad company at private sale ;

To authorize the commissioners court of Crenshaw county, to levy a special tax to build a court house ;

To appoint the time for holding the chancery court for the county of Clarke ;

To amend an act approved 26th January, 1858, entitled an act to incorporate the schools of Loachapoka, in Macon county ;

To incorporate the Troy hook and ladder company, No. 1, in the town of Troy, Pike county ;

To authorize the judge of the city court of Mobile to transfer certain criminal causes to the circuit court of Mobile county for trial ;

To establish an election precinct in the county of Lee, to be known as Whitten's shop ;

To establish a new charter for the city of Eutaula ;

To incorporate the town of Greensboro in the county of Hale.

To establish a new charter for the city of Talladega ;

A memorial of the General Assembly of Alabama, to the Congress of the United States, for the confirmation of a land grant to the State of Alabama, under an act of Congress of June 3d, 1855.

Senate bill, for the relief of Alfred Moore and his sureties ;

Was taken from the table, read a third time and passed.

Mr. Bromberg gave notice that he would move to recon-

sider the vote by which the Senate laid on the table House bill,

To regulate the service on the defendant of the indictment and list of jurors in capital cases in Mobile.

#### CALL OF THE DISTRICTS.

On the call of the districts bills were introduced :

By Mr. Royal, to protect laborers ;

Which bill was read three times forthwith and passed.

By Mr. Farden, to repeal sections 1376, 1377, 1378, 1379, 1380, 1381 and 1382 of the Revised Code ;

Which bill was read twice and referred to the Judiciary Committee.

By Mr. Coon, to provide for the granting of new trials in courts of law ;

Which bill was read twice ;

On motion of Mr. Worthy, the bill was amended by inserting "for hire of slaves" after "slave property" ;

Mr. Worthy moved to amend at the end of the bill as follows :

*Provided*, That whenever it appears upon the trial of the case, that the consideration was for slave property or for hire of slaves, the same shall be considered void for want of consideration ;

Bill and amendment were finally laid on the table.

By Mr. Coon, to amend an act to incorporate the male academy at Athens, Livingston county ;

Was read twice and referred to the Committee on Municipal and County Organizations

Mr. McAfee, from Select Committee, reported favorably, with amendments, to House bill, supplemental to an act,

To establish revenue laws for the State of Alabama ;

Mr. Pennington moved to lay the bill and amendments on the table and print 50 copies ;

Which motion was lost

Messages from the House



HOUSE OF REPRESENTATIVES, }  
February 28, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

For the relief of the tax payers in the county of Marengo ;

For the relief of Jno. Pryor, of Fayette county ;

For the improvement of the harbor of Mobile by the citizens of said county ;

For the relief of Caroline Baldwin, of Marengo county ;

To authorize the commissioners' court of Choctaw county, to issue bonds for the erection of public buildings in said county ;

To authorize the court of commissioners of Elmore county, to issue treasury notes ;

For the relief of Mary Ann Kellum, of Bibb county ;

To enable any district to prohibit live stock from running at large.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
February 28, 1870. }

*Mr. President :*

The House has originated and passed a bill,

To abolish fences in certain portions of Elmore county ;

To establish public pounds in the county of Montgomery.

Respectfully,

W. B. CLOUD,  
Clerk.

**Message from the Governor, as follows :**

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

To regulate the fees of justices of the peace and constables in Demopolis beat in Marengo county, Alabama, and the time of holding courts of justices of the peace in said beat, and the mode of issuing and serving processes therefrom, approved February 20, 1866 ;

To provide payment for chandeliers and light for the State Capitol;

To make Mrs. N. A. Felts, wife of William H. Felts, and Mrs. Mary A. Carlisle, wife of Jasper C. Carlisle, all of the county of Choctaw; Mrs. Martha F. Brantley, wife of Warren A. Brantley, of Dallas county, and Mrs. Mary Griffin, wife of Lewis Griffin, of St. Clair county, Alabama, free dealers;

To amend section 844 of the Revised Code;

To amend an act fixing the time of holding the courts in the second judicial circuit;

To relieve George N. Calhoun, of Madison county, of the disabilities of minority;

For the relief of John C. Phares, of Sumter county, from the disabilities of minority;

To authorize and empower executors and administrators to sell stock in the Selma and Meridian Railroad Company at private sale;

To allow Wash C. Cain to sell real estate;

For the relief of Fred Kelly and Jane Kelly, of Barbour county;

For the relief of Jerome C. Thompson, of Choctaw county;

To allow the administrators of the estate of Wm. M. Burgess, deceased, to sell real estate at private sale;

To change the boundary line between the counties of Marshall and Blount;

To make Lucy H. Dreyspring, of Montgomery county, a free dealer;

Very respectfully,

D. L. DALTON,  
Secretary.

#### VETO MESSAGES.

Message from the Governor as follows:

EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 28, 1870. }

*To the Senate:*

I have received and duly considered a bill which originated in the Senate, to be entitled "An act to establish a mutual aid association, and to raise funds for the common school system of Alabama," approved October 10, 1868.

The first bill authorizing lotteries which was presented for

my action as Governor, was the one which is now entitled "An act to establish the Masonic Home in the county of Chambers." The purpose avowed upon the face of that bill, was "to raise funds to build a home for the maintenance and education and support of orphan children of deceased masons in the State of Alabama, in which the children of all masons, regardless of color, have a like privilege." To accomplish that purpose, it empowered Dr. W. T. Brown, a reputable gentleman of this State, "to set up and carry on a lottery, or series of lotteries," until, and only until, the sum of fifty thousand dollars of "net proceeds" should result therefrom.—See acts of 1868, pp. 206–207.

Without any actual knowledge of the operations of lotteries, the impression made upon my mind by the information I then had upon the subject, was unfavorable to them. But under the clear conviction then, and still entertained by me, that the General Assembly had the constitutional power to authorize lotteries, and that the two Houses, in passing said bill, were but following examples set by a number of the older States, under circumstances and necessities far less urgent and justifiable than have existed in Alabama at any time since the losses of life and property, and the enfranchisement of the colored race, which resulted from the late war, I deemed it my duty to yield my apprehensions of the inexpediency and danger of such a bill, so far as to give my approval to it, as the constitutional exercise of the judgment of the two Houses, that the measure was expedient and safe. My reluctance in approving such a bill was diminished by the fact, known to all, and which, doubtless, had great influence with the General Assembly, that the war and its results had vastly increased the number of children, regardless of color, including the orphans of "deceased masons," whose common wants were home, maintenance and education. In the then exhausted and critical condition of the State, the minds of the most patriotic and hopeful were clouded with doubts and fears as to the sufficiency of the resources at our command to supply these imperious wants. An error, apparently "inclined to virtue's side," is entitled to an indulgent judgment from all who have a proper conception of human frailty.

The second bill authorizing lotteries which was presented for my action as Governor, was what is now known as, and indeed is, the very act which your bill, herewith returned, proposes to repeal. That act, unlike the one previously mentioned, amounted to a distinct proposition, on the part of the

State (acting by its Legislature), to confer upon certain private individuals therein named, and "their associates, as partners," certain specified privileges, upon the condition that, "before commencing business under the provisions of this act, the said parties shall deposit in the treasury of the State, to the credit of the school fund, and for educational purposes, and annually thereafter, the sum of two thousand dollars, for the term of twenty years, or so long as they may do business under the provisions of this act, within said period, during which time the business aforesaid shall be exempt from taxation, except for State purposes."—See acts of 1868, pp. 263, 264.

My approval of that bill was induced by reasons similar to those which induced the approval of the one above mentioned. For like reasons, I subsequently approved a bill to be entitled "An act to establish the Mobile Charitable Association, for the benefit of the common school fund of Mobile county, without distinction of color." The terms and provisions of this act are, in principle, similar to those in relation to the said Mutual Aid Association.—Acts of 1868, pp. 511, 512. The only acts authorizing lotteries which have been presented for my official action, are the three above referred to.

If fuller and better information, obtained since the lotteries were authorized, has convinced us that all of us who, directly or indirectly, gave official sanction to their establishment, committed an error, we ought to be eager to correct that error to the full extent permitted by the constitution of this State and of the United States. But our anxiety to suppress establishments which we may deem injurious to the public, should not betray us into a forgetfulness of the truth that it is as clearly a part of our official obligation to protect every constitutional right of the most unworthy, as to protect every constitutional right of the most worthy citizen. It is better to endure temporary nuisances, than to violate either our own constitution or that of the United States.

The act of 1868, relating to this Mutual Aid Association, belongs to that class of statutes which "are considered as propositions extended to private citizens"; and when as here, the propositions as made, admit of acceptance only by the actual payment of a specific sum of money, all the authorities agree, that the payment of the specific sum when made, as here, within proper time, amounts to an acceptance of the propositions; and that *a contract is thus created*, which cannot be impaired, much less destroyed, by subsequent legislative

enactment.—In the matter of Oliver Lee & Co's Bank, 21 New York Rep. p. 14 ; The State vs. Hayward, 3 Richardson's Law Report, 389.

This act of 1868, as soon as the proposition therein made, was accepted, and the first annual deposit thereby required was, in due time, made, became a contract, (Falls vs. Gaither, 9th Porter's Report, 605), the obligation of which could not be impaired by any subsequent legislative act of this State, without violating the constitutions of this State, and of the United States.—See sec. 24, of our declaration of rights ; and sec. 10, art. 1, const. of U. S.; Dale vs. the Governor, 3 Stew. Rep. 387.

It may be insisted that the Mutual Aid Association is a corporation. But nothing can be clearer from the very face of the act in relation to that association, than the following propositions: First, that no artificial person is created by that act ; and second, that every privilege which is conferred by the act is conferred, not upon any person or persons as a corporation, or artificial being, but solely upon natural persons, "*partners*," to whom the power of "succession" is not given. The distinction between a *partnership* and a *corporation* is as clearly established by law as any thing can be ; and this distinction being part of the law, is as much to be respected as any other part of it. However strong the resemblance may be between the two, yet the proposition remains true that a partnership is not a corporation.—See Parsons on Contracts, pp. 267, 268.

Again, it may be contended that the Mutual Aid Association has usurped and exercised privileges not conferred by the act establishing it ; and that, therefore, the Legislature may, by a repeal of that act, take away the privileges which were really conferred. However plausible this may seem to be, it cannot stand the test of legal scrutiny. The only thing which the act requires the persons embraced in it to do, is to make the annual deposits therein specified, so long as they may do business under the act within the period of twenty years. Up to this time it is certain they have made the deposits as required by the act. This, in law, is a full compliance with the statute and contract, on their part, up to date. If it be alleged that, notwithstanding this compliance, they have, under color of the statute, done things not authorized by it, they have the constitutional right to an opportunity to deny the allegation, and to have a trial thereon according to the law of the land. The Legislature, in considering and

passing a bill to repeal the act in relation to them, cannot afford to them such an opportunity and trial. The courts only can do this, and they are open to those who may wish to have such allegation made and tried. If the existing laws are insufficient for such purpose the Legislature can make them sufficient. But the Legislature has no constitutional power to assume that these persons are guilty of any such usurpations and lawlessness; and thereupon, without any opportunity to them to deny or defend, to take from them, by a repealing act, the privileges for which they have paid their money precisely as required by the very act which it is proposed to repeal. The legislature "cannot judicially determine that there has been an infraction of the law by one upon whom it was obligatory. That power can only be exercised by the judiciary. The sphere of legislation is distinct, both from the sphere of adjudication and execution." To divest individuals of any rights, privileges, or immunities granted to them by statute, for a valuable consideration, actually paid therefor by them, is the exercise of judicial power, and outside of the constitutional sphere of legislation. *State vs. Hayward*, and other authorities above cited; Tiffany on Gov. and Con. Law, sec. 117.

When this bill reached me I was inclined to the belief that the Legislature had a constitutional right to pass it. But after a patient investigation and examination of authorities upon the subject, I have reached a different conclusion, and therefore deem it a duty to return the bill to the Senate, without my approval.

W. H. SMITH.

EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 28, 1870. }

*To the Senate :*

I have carefully considered the bill to be entitled "An act to repeal an act entitled an act to establish the Mobile Charitable Association for the benefit of the common school fund of Mobile county, without distinction of color," approved December 31, 1868, and return the same, without my approval, to the Senate, in which it originated.

My objections to the bill are based upon principles and facts similar to those which induced me to withhold my approval from the bill to be entitled "An act to repeal an act entitled an act to establish a Mutual Aid Association, and to raise funds for the common school system of Alabama," approved October 10, 1868, which I have this day returned to the Sen-

ate, with my objections thereto. To those objections I respectfully refer, and here adopt the same, "*mutatis mutandis*," as embracing the reasons which induce me to return this bill to the Senate without my approval.

W. H. SMITH.

EXECUTIVE DEPARTMENT,  
Montgmeory, February 28, 1870. }

*To the Senate :*

I have received and considered the bill to be entitled "An act to repeal an act entitled an act to incorporate the Tuska-loosa Scientific and Art Association for the encouragement of science and art, and aiding the University of the State in replacing its library, and establishing a scientific museum." A sense of duty has induced me to return to the Senate two bills relating to the same general subject, as that embraced in this bill. It is true, my objections to these bills were based upon constitutional grounds; while I am not prepared to urge such objection to the bill which is now returned.

In passing these bills, it was, of course, the intention of the General Assembly to suppress the evil of lotteries. But this object cannot be attained without discontinuing the whole system. Should the General Assembly concur with me that the constitution does not warrant the passage of the two other bills which I have disapproved, lotteries will, of course, be continued under the acts which they propose to repeal. Therefore, no practical good would be accomplished by discontinuing the Tuskaloosa Scientific and Art Association. But even if the General Assembly should not concur with the Executive in regard to those bills, there would still be left upon the statute book a law under which a lottery system could be carried on. Whatever may be said or thought of lotteries, there can certainly be no good reason for establishing a complete monopoly of the business in the hands of any one man or in a single company. On the contrary, I can see many reasons why, if the business should be permitted at all, it should be left open to competition.

Upon this general ground of expediency, I do not consider that I would be justified in approving the above entitled bill, which is herewith respectfully returned.

W. H. SMITH.

At 12 o'clock, the special order for that hour came up, it being :

The message of the Governor recommending sundry appointments ;

Which message was postponed and made special order for 12 o'clock on Wednesday next.

The message of the Governor vetoing the bill,

To repeal an act to establish a mutual aid association, and to raise funds for the common school system of the State ;

Was read and considered.

Pending consideration of which,

Senate took a recess till 7 p. m.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—27.

Mr. Sibley, from select committee, reported favorably to House bills,

To amend section 2351 of the Revised Code ;

Mr. Oliver moved to lay the bill on the table ;

Which motion was lost ;

And the bill was ordered to a third reading.

Mr. Farden, (for Mr. King,) from select committee, reported adversely to Senate bill,

To authorize the court of county commissioners of Dale county to regulate the compensation of the county officers of said county ;

Which report was concurred in.

Mr. Farden, (for Mr. King,) from from select committee, reported favorably to House bill,

To authorize the appointment of an additional surveyor for Henry county.

Mr. Worthy moved to amend as follows,

Which was ruled out of order :



That there shall be but one county surveyor for the county of Henry, and that the Governor shall appoint said surveyor.

Mr. Worthy then appealed from said decision, and the decision of the chair was sustained.

On motion of Mr. Oliver, the bill was amended as follows :

By and with the consent of the court of county commissioners.

Mr. Worthy moved to lay the bill on the table ;

Which motion was lost.

Bill was ordered to a third reading.

Mr. Farden, (for Mr. King,) from select committee, reported favorably to House bill,

To provide for the removal of the jurisdiction of estates of decedents and minors of Bullock county ;

Which bill was recommitted to the Judiciary Committee.

Mr. Farden, from select committee, reported favorably, with amendments, to House bill,

For the relief of Geo. D. Noble, of Montgomery county, from the disabilities of non-age ;

Which amendments were adopted, the bill read a third time and passed.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported favorably, with amendment, to House bill,

To change and establish the line between the counties of Jackson and DeKalb ;

Which amendment was adopted, the bill read a third time and passed.

Yeas 23, nays 0.

Those who voted in the affirmative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mahan, Martin, Miller, Oliver, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney, Worthy and Yordy—23.

Mr. Stow, from the Committee on Finance, reported favorably to House bill,

To extend the jurisdiction, powers and duties of the harbor master and port wardens of Mobile ;

Which bill was ordered to a third reading.

Senate bill, to make a final distribution and appropriation of the three per cent. fund,

Was taken up.

The question pending, being on the second amendment reported by the committee.

Mr. Lambert offered a substitute for the bill.

Mr. Coon moved to lay the substitute on the table ;

Which motion was lost.

Pending consideration of the substitute,

Senate then adjourned till 10 o'clock to-morrow morning.

TUESDAY, March 1, 1870.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—28.

Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Bromberg.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled :

To alter, arrange and designate the county boundaries between the counties of Washington and Choctaw, and between Choctaw and Sumter ;

To regulate the time for holding courts in the second judicial circuit ;

To vest certain lands therein named in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county ;

To amend an act entitled an act to incorporate the Factors and Grocers Marine and Fire Insurance company of Mobile, approved December 4, 1863 ;

To amend section 1064 of the Revised Code ;

To raise a fund for the benefit of the fire companies in the city of Mobile.

Mr. Miller, from the Committee on Engrossed Bills, reported sundry bills as correctly engrossed, as follows :

House bill, to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, and DeKalb,

Was taken from the table ;

**Amended, to include Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, Lawrence and Marengo ;**

Read a third time and passed.

**House bill, to repeal sections 13 and 14 of an act to provide for the registration of electors ;**

Was read twice ;

On motion of Mr. Coon, the bill was amended, by repealing section 12, and striking out in the 4th line of section 2, the words "yards," and by inserting "feet ;"

On motion of Mr. Coon, an additional section was added ;

As amended, the bill was read a third time and passed.

House bills—

To amend section 2351 of the Revised Code ;

To extend the jurisdiction, powers and duties of the harbor master and port wardens of Mobile ;

To authorize the appointment of an additional surveyor in the county of Henry ;

For the relief of the sheriff of Clarke county ;

To incorporate the Baptist male and female academy at Moulton, approved, February 7, 1862 ;

Were severally read a third time and passed.

House bills—

Declaratory of the powers and objects of building and loan associations ;

To authorize the Memphis and Charleston railroad company to raise money for certain purposes ;

To repeal certain acts therein named ;

To regulate the time of holding the courts in the 1st judicial circuit ;

Supplemental to an act fixing the time of holding courts in the 5th judicial circuit, approved December 15, 1869 ;

To authorize the county treasurer of Jackson county to pay certificates for 1865 and 1866 ;

To remove the administration of the estate of R. H. McFadden, deceased, from the probate court of Greene county to the probate court of Dallas county ;

To remove the administration of the estate of Thomas M. Johnston, deceased, from the probate court of Hale county, to the probate court of Dallas county ;

For the relief of the judge of the county court of Madison county ;

For the relief of the tax payers of Marengo county ;

To ratify the elections held in the towns of Greensboro and Eutaw, and in the counties of Hale, Greene and Pickens, to

subscribe stock to the Selma, Marion and Memphis railroad company ;

To amend section 2, of an act to incorporate the Vicksburg and Brunswick railroad company, approved January 23d, 1867 ;

Were severally read three times forthwith and passed.

House bill, to provide for the consolidation of the fines and forfeiture fund and the general fund of Perry and Coffee counties ;

Was read twice ;

On motion of Mr. Worthy, the bill was amended, by striking out "Coffee";

As amended, the bill was read a third time and passed.

House bill, to establish a medical board in Tallapoosa county ;

Was read twice :

On motion of Mr. Lambert, the bill was amended, by striking out the words "drugs and medicines ;

Also, amended on motion of Mr. Jones, by adding "Marengo county, with Messrs. J. A. Ruffin, E. T. Sturdwick and E. H. C. Bailey as the board";

As amended, the bill was read a third time and passed.

House bill to incorporate the Hackneyville male and female academy, in Tallapoosa county ;

Was read twice and laid on the table ;

Senate concurred in the amendment of the House to Senate bill,

To release the Tennessee and Coosa railroad company from its indebtedness to the State of Alabama ;

Yeas 18, nays 7.

Those who voted in the affirmative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, Martin, Miller, Oliver, Richards, Sanford, Sibley, Stow, Wise, Whitney and Yordy—18.

Those who voted in the negative are—

Barr, McAfee, Mabry, Mahan, Pennington, Sevier and Worthy—7.

Senate bill, to make a final distribution and appropriation of three per cent. fund ;

Was taken up, the question pending, being on Mr. Lambert's substitute ;

Said substitute was adopted ;

On motion of Mr. Lambert, the substitute was amended, by striking out "\$8,000" and by inserting "\$6,000";

Mr. Coon moved to amend as follows :

*"Be it further enacted,* That this additional endorsement is made with the express understanding and agreement that the North and South Alabama railroad company shall return to the State of Alabama, all bonds and other security, together with all moneys received from the State on account of the 2 and 3 per cent. fund heretofore donated to said company ;

Which amendment was laid on the table ;

Bill, as amended, was read a third time and passed under a suspension of the constitutional rule ;

Yeas 23, nays 2.

Those who voted in the affirmative are—

Messrs. Buckley, Farden, Foster, Glass, Hinds, Jones, Lambert, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sibley, Stow, Wise, Whitney and Worthy—23.

Those who voted in the negative are—

Messrs. Coon and Sevier—2.

Mr. Jones moved to reconsider said vote ;

Which motion, on motion of Mr. Sibley, was laid on the table.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has originated and passed a bill,

To lend the credit of the State of Alabama to the Montgomery and Eufaula railroad company, for the purpose of expediting the construction of its railroad within said State.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has amended, and passed, as amended, Senate bill, to be entitled as follows :

To release the Tennessee and Coosa railroad company from its indebtedness to the State of Alabama.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To reorganize the board of county commissioners of Mobile county ;

To create a recorder of deeds and mortgages in Mobile county, and define his duties.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has originated and passed the following bill :

For the relief of W. B. Holstead, of Coffee county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has originated and passed a bill,

For the relief of the Judge of the county court of Madison county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has originated and passed a bill to be entitled as follows :

To provide for the payment of deficiencies of the school

fund of Montgomery county, and to compensate teachers who actually rendered services for the years 1868 and 1869, and ordered the same to the Senate without engrossment.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate took a recess until 7 P. M.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—27.

Report of the Joint Committee to visit the insane hospital was read in full ;

Bill reported by said committee,

To regulate appropriations for the insane hospital ;

Was read twice ;

Mr. Jones moved to amend as follows :

That the provisions of the above act shall not be carried into effect until the officers mentioned therein, give good and sufficient bond, said bond to be approved by the trustees of said insane hospital ;

Which amendment was lost ;

Bill was read a third time and passed.

Report of the Joint Committee to visit the medical college at Mobile, was read in full ;

Bill reported by said committee,

For the relief of the Medical College of Alabama ;

Was read twice ;

Mr. Farden moved to amend as follows :

That the 33 students to be educated gratuitously by the college, shall be appointed to said college by the senators of the General Assembly, one to each senatorial district.

Bill and amendment were laid on the table.

Mr. Stow, from the Committee on Finance, reported adversely to House bill,

To fix the fees of the county solicitor of Montgomery county ;

Which report was not concurred in ;

Mr. Foster moved to amend as follows :

*Provided*, The Attorney-General of the State, shall have the same fees for conviction in the supreme court of this State ;

Which amendment was laid on the table.

Mr. Sibley moved to amend so as to extend the provisions of the act to the solicitors of Mobile and Dallas counties.

Mr. Pennington moved to extend the provisions of the act to all the counties in the State ;

Pending consideration of which, Senate took up House bill,

To lend the credit of the State of Alabama to the Montgomery and Eufaula Railroad Company, for the purpose of expediting the construction of its railroad within said State ;

Which bill was read twice and made special order for 11 o'clock to-morrow morning.

Mr. Sanford, from the Committee on Municipal and County Organizations, reported a substitute for Senate bill,

To provide for the permanent location of the county seat of Choctaw county ;

Which substitute was adopted, the bill read a third time and passed.

Mr. Coon, from the Committee on Internal Improvements, reported a substitute for Senate bill,

To expedite the construction of the Selma and Gulf Railroad ;

Which substitute was adopted and the bill went over till to-morrow.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
March 1, 1870. }

*Mr. President :*

The House has originated and passed the following bills :

To declare illegal an election held in the county of Blount, on the 8th day of February, 1868 :

To legalize an election held in the county of Blount, on the 4th and 5th days of February, 1868 ;



To provide for the creation and regulation of railroad companies in the State of Alabama ;

To amend the charter of the city of Eufaula ,

To amend section 1901 of the Code ;

To incorporate the Tennessee River Packet Company ;

To incorporate the town of Stevenson, in the county of Jackson ;

To make Charlotte E. Appleby and others, free dealers ;

To re-organize the Centreville Bridge Company ;

To fix the fees of the county solicitor of Macon county :

To amend section 7 of an act, for the protection of agricultural laborers ;

To amend the 24th section of the act to incorporate the Mobile Harbor Railroad Company ;

Incorporating the Central Agricultural and Mechanical Association in the Probate Court of Dallas county ;

For the relief of Henry H. Truitt and others from pains and penalties of bigamy ;

To authorize and make it the duty of the several county solicitors of this State to issue subpoenas in certain cases ;

To empower the commissioners' court of the county of Conecuh to levy an additional tax ;

To provide for the resignation of guardians ;

To amend section 1 of an act to incorporate the town of Milville, in Bullock county ;

To amend section 2934 of the Revised Code ;

To amend section 2131 of the Revised Code ;

To regulate the punishment for crime ;

To amend section 2860 of the Revised Code ;

To amend section 2908 of the Revised Code ;

To secure the right of appeals in this State ;

To amend section 4222 of the Code ;

For the relief of Anthony Jefferson, of Montgomery county ;

For the relief of Silas Bradshaw, a minor, of Lee county ;

To authorize the clerk of the circuit court of Hale county, to act as clerk of the county court of said county ;

To relieve Martha E. Cushing and others from the penalties of section 3599 of the Revised Code ;

To authorize Wm. Chancellor, administrator of the estate of Henry Hay, deceased, to sell certain lands ;

To amend section 2357 of the Revised Code ;

To relieve Benj. McCoy and others of the penalties of section 3599 of the Code ;

To authorize Thos. Masterson, administrator of William Beaver, late of Lawrence county, to sell lands of said Beaver;

To authorize and empower constables in this State to perform the duties of marshal to notaries public;

To amend section 2 of an act to incorporate the Dexter Fire Engine Company, No. 1;

For the relief of Elizabeth A. Young and others;

For the relief of Wm. A. Phillips, of Marshall county;

Regulating the time for holding the chancery courts for the 9th and 4th districts of the middle chancery divisions;

To prevent the sale of vinous or spirituous liquors within two miles of Town Creek, in Lowndes county;

To relieve Catharine Murphy and Nancy Baine from the penalties of section 3599 of the Code;

To amend sections 636 and 875 of the Revised Code;

For the relief of Henry J. Monk, of the county of Mobile;

And have concurred in Senate amendments to House bill,

To change and establish the lines between the counties of Jackson and DeKalb;

Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, March 2, 1870.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Sanford, of the Senate.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mabry, Mahan, Martin, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—28.

Journal of yesterday was read and approved.

Mr. McAfee, from the Judiciary Committee, reported favorably to House bill,

Explanatory of the corporation laws of the State of Alabama;

Which bill was read a third time and passed.

Mr. Yordy, from the Committee on Enrolled Bills, reported as correctly enrolled:

To release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama ;

To authorize the probate court of Montgomery county to take jurisdiction of the estate of Sterling Lanier ;

For the relief of Thomas M. Geer and Nancy E. Geer, of Cleburne county, of non-age ;

To authorize the sale of the sixteenth section, in township seventeen, range two, west, in Sumter county ;

For the relief of the judge of the county court of Madison county ;

To make Nancy Vanzandt, wife of G. H. Vanzandt, of Calhoun county ; Mrs. Nancy Alston, of Macon county, and Mrs. Hannah Chaudron, wife of J. G. Chaudron, of Talladega county, free dealers ;

To amend section 12 of an act entitled " An act to incorporate the Warrior Bridge Ponton and Ferry Company," approved February 16, 1867.

Mr. Miller, from the Committee on Engrossed Bills, reported sundry bill as correctly engrossed.

#### CALL OF THE DISTRICTS.

On the call of the districts, bills were introduced.

By Mr. Coon, explanatory of section 63 of the charter of the city of Selma ;

To amend an act to authorize the county commissioners of Autauga and Elmore counties to pay the solicitors salaries in lieu of fees ;

To establish an election precinct at Locust Bluff, in Autauga county ;

By Mr. Sanford, to authorize the county superintendents to receive and disburse the school funds for 1866 and 1867, and to 12th July, 1868 ;

By Mr. McIntosh, to permanently locate the county site of Greene county ;

By Mr. Jones, for the relief of F. B. Jackson, A. A. J. Riddle and J. D. Fox ;

By Mr. Foster, to regulate the appointment of receivers in chancery ;

By Mr. Bromberg, to amend section 1755 of the Revised Code ;

By Mr. Worthy, to regulate the finances of Coffee county ;

To allow the guardian of the heirs of M. A. Baldwin, de-

ceased, to remove the guardianship from Montgomery county to Bullock county ;

Which bills were read three times forthwith and passed.

By Mr. Worthy, to allow the treasurer of Franklin county a certain per cent. upon the monies collected by him for State revenue licenses ;

Which bill was laid on the table.

By Mr. Coon, to facilitate the collection of audited claims against the several counties of this State ;

Which bill was read twice.

Mr. Yordy moved to exclude the county of Sumter ;

Bill and amendment were laid on the table.

By Mr. Coon, joint memorial for increased postal facilities ;

Which was read and adopted.

By Mr. Coon, joint resolution to pay Isaac L. Watson and Thomas W. Crowder ;

By Mr. Worthy, to provide copies for the State printers of the journals of the two Houses of the General Assembly of the State of Alabama ;

Which bill and joint resolution were read twice and referred to a select committee, composed of Messrs. Lambert, Coon and Farden.

By Mr. Jones, to enable the Governor of Alabama to make a final settlement with McClung & Jacques, of the just claim they have against the State for salt furnished by them upon the faith and credit of the State, to the great relief of the sufferings of loyal citizens during the late rebellion ;

Which bill was read and laid on the table ;

Yeas 17, nays 8.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Jones, Lambert, McAfee, Mabry, Mahan, Miller, Oliver, Richards, Royal Sanford, Sevier, Sibley, Stow and Yordy—17.

Those who voted in the negative are—

Messrs. Farden, Foster, Glass, McIntosh, Martin, Pennington, Whitney and Worthy—8.

Mr. Jones gave notice that he would move to reconsider said vote.

By Mr. Foster, to make a disposition of the swamp and overflowed lands donated to the State of Alabama by the United States.

Which bill was read twice and referred to a select committee composed of Messrs. Foster, Coon and Miller.

By Mr. Worthy, to receive stock of the Selma, Rome and

Dalton railroad company for the balance due from the Alabama and Tennessee river railroad company to the State of Alabama, on account of a loan of part of the 3 per cent. fund, under "An act to loan and appropriate the 3 per cent. fund and its interest";

Which bill was read and laid on the table ;

Yeas 15, nays 10.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Hinds, Lambert, McAfee, Mabry, Oliver, Richards, Sanford, Sevier, Sibley, Stow, Whitney, Worthy and Yordy—15.

Those who voted in the negative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Jones, McIntosh, Mahan, Martin and Morton—10.

Mr. Miller was excused from voting —1.

At 1 o'clock, the Senate went into Executive session, upon the following recommendations by the Governor, for President and Trustees of the Insane Hospital at Tuskaloosa, which were confirmed :

For President—Reuben Searcy, of Tuskaloosa.

For Resident Trustees—E. F. Bouchell, of Pickens county, and William Miller, of Tuskaloosa county.

For Trustees for the State at large—J. D. F. Richards, of Wilcox county ; E. F. Jennings, of Lawrence county, and R. A. Boyd, of Mobile county.

House bill, to make the bonds of the State uniform ;

Was taken from the table and ordered to a third reading.

House bill, for the relief of the administrator of the estate of James C. Cleveland, deceased, of the county of Clarke ;

To give the probate court of Wilcox county, jurisdiction of the estate of R. H. Kilpatrick, late of Monroe county ;

To amend section 2131 of the Revised Code ;

Were severally read three times forthwith and passed.

House bill, for the relief of the solicitors of the counties of Monroe and Macon ;

Was read twice.

On motion of Mr. Barr, the county of Baldwin was added ;

As amended, the bill was read a third time and passed.

Mr. Foster, from the Committee on Accounts and Claims, reported favorably to House bill,

To pay the board of equalization of Madison county ;

Which bill was read a third time and passed.

Also, from the same committee, reported a substitute for House bill,

For the relief of the assessors of Montgomery and Barbour counties';

Which substitute was adopted, read a third time and passed.

Mr. McAfee, from the Judiciary Committee, reported favorably to House bills,

To require the filing of claims due from and owing by the county of Shelby ;

Which bill was read a third time and passed.

Messages from the Governor, as follows :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

To incorporate the town of Linden, in Marengo county ;

To apply and extend the law of garnishment to causes in chancery ;

To incorporate the town of Mooresville, in the county of Limestone ;

To repeal section 1064 of the Revised Code ;

And also,

A memorial of the General Assembly of Alabama, to the Congress of the United States, for the confirmation of a land grant to the State of Alabama, under an act of Congress of June 3d, 1856.

Very respectfully,

D. L. DALTON,  
Secretary.

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

Authorizing the commissioners court of roads and revenue in the counties of Elmore and Autauga to pay salaries in lieu of fees to the solicitors of said counties ;

Concerning the estate of Wm. H. Smith, deceased ;

To establish a new charter for the city of Eutaula ;

To establish a new charter for the city of Talladega ;

To incorporate the town of Greensboro, in the county of Hale.

To repeal a proviso of section 3, of an act to adopt the law

in relation to the incorporation of the city of Tuscumbia, approved December 23, 1868 ;

For the relief of the sheriff of Sumter county ;

To amend an act approved February 16, 1867, entitled an act to incorporate the city of Eufaula ;

To repeal an act entitled an act to re-organize the Centerville Bridge company ;

To enable the North Alabama Agricultural and Mechanical Association to organize under its charter ;

To legalize the marriage of R. B. Newton, and Sarah Black, of Geneva county ;

To authorize the commissioners court of Crenshaw county, to levy a special tax to build a court house ;

To authorize the commissioners court of Crenshaw county to borrow money and issue therefor warrants upon the county treasurer, to be paid out of the special tax raised to build a court house .

Very respectfully,

D. L. DALTON,  
Secretary.

Message from the Governor :

*Mr. President :*

The Governor has approved and signed a bill which originated in the Senate, to be entitled as follows :

To amend an act entitled " An act to incorporate the Factor's and Grocer's Marine and Fire Insurance Company of Mobile, approved December 4, 1863 ;

To vest certain lands therein named in the heirs and widow of the estate of Isaac L. Ward, deceased, late of Cherokee county ;

To regulate the time for holding courts in the second judicial circuit ;

To alter, arrange and designate the county boundaries between the counties of Washington and Choctaw, and between Choctaw and Sumter ;

To raise a fund for the benefit of the Fire Companies in the city of Mobile ;

To authorize persons holding claims against any railroad company in this State, for damages on their lands or other property, to transfer said claims ;

To incorporate the Troy hook and ladder company, No. 1, in the town of Troy, Pike county ;

To appoint the time for holding the chancery court for the county of Clarke ;

To establish an election precinct in the county of Lee, to be known as Whitten's shop ;

To constitute Clementine C. Constantine, of Greene county, a free dealer ;

To amend an act approved 26th January, 1858, entitled an act to incorporate the schools of Loachapoka, in Macon county.

Very respectfully, your ob'dt serv't,

D. L. DALTON,  
Secretary.

### Messages from the House :

HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has passed Senate bill,

To enlarge the jurisdiction of the chancery courts in the matter of lands of decedents, sold under proceedings in the orphans probate court ;

And have concurred in Senate amendments to House bill.

To consolidate the fine and forfeiture fund of Perry and Coffee counties with the general fund of said counties.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has originated and passed a bill,

To prohibit the sale of spirituous, vinous and malt liquors at Pine Apple, Wilcox county, Alabama.

Very respectfully

W. B. CLOUD,  
Clerk.



HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has originated and passed a bill,  
For the relief of Pat Doron, of Montgomery county.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has originated and passed a bill,  
To create a new judicial circuit, to be called the thirteenth  
judicial circuit of the State of Alabama.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has passed the following Senate bill :  
To amend section 1755 of the Revised Code ;

Very respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has passed Senate bills, as follows :

To repeal an act entitled " An act incorporating the North  
Alabama Manufacturing Company " ;

To establish a new charter for the town of Decatur ;

To establish a new charter for the city of Opelika ;

And adopted Senate joint memorial to Congress asking for  
increased postal telegraph system ;

And have originated and passed a bill,

Concerning the penitentiary system of Alabama ;

And have refused to concur in all of the amendments to  
House bill by Senate,

To regulate the publication of legal notices in Shelby, Walker and other counties.

Respectfully,

W. B. CLOUD,  
Clerk.

Senate took a recess till 7 p. m.

#### NIGHT SESSION.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Wise, Whitney, Worthy and Yordy—29.

House bills—

To raise the *per diem* of the grand and petit jurors of Jefferson county ;

To prevent the sale of spirituous liquors within two miles of Cahaba Baptist Church, in Jefferson county ;

Were severally read three times forthwith and passed.

House joint resolution as to the salary of the recording secretary of the Executive Department ;

Was read twice forthwith and ordered to a third reading.

Messages from the House, as follows :

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has originated and passed bills to be entitled as follows :

To authorize the administrator of Henry L. Wilkinson and James H. Kellom, deceased, to divide the notes and accounts due and belonging to the late firm of Kellom & Wilkinson ;

To legalize the acts of the commissioners court of Franklin county in purchasing certain lands for the purpose of establishing a poor house in said county ;

For the relief of the administrators of the estate of James Cleveland, deceased, of the county of Clarke ;

For the relief of the solicitors of the counties of Monroe and Macon ;

To amend sections 4082 and 4083 of the Revised Code of Alabama ;

To amend section 4328 of the Revised Code of Alabama ;

To repeal an act of the Board of Education, entitled " An act to fill vacancies of school officers," approved, December 2d, 1869 ;

To incorporate the Huntsville and Big Coal Turn Pike Company ;

For the relief of the widows and orphans of this State ;

To incorporate the town of Millville, in the county of Macon.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 2, 1870. }

*Mr. President :*

The House has concurred in the Senate amendments to House bills :

To authorize Mrs. Mary Popwell, of Baker county, to sell the real estate belonging to the estate of her late husband, James M. Popwell, deceased :

To amend the charter of Gainesville, in the county of Sumter ;

To establish a medical board in Lawrence county ;

For the relief of Geo. D. Noble, of Montgomery county ;

And have originated and passed the following bills :

Concerning evidence on the trial of persons charged with felony ;

For the relief of innocent purchasers in certain cases ;

To provide for the suspension and removal from office of sheriffs in this State.

Respectfully,

W. B. CLOUD,  
Clerk.

House bill, to lend the credit of the State of Alabama to the Montgomery and Eufaula Railroad Company, for the pur-

pose of expediting the construction of its road within said State;

Was read a second time;

Mr. Oliver moved to strike out "three" and insert "one";

Mr. Lambert moved to amend said amendment by inserting "two" in place of "three";

On motion of Mr. Jones said amendments were laid on the table.

Senate refused to suspend the constitutional rule in order to give the bill a third reading forthwith, and the bill was ordered to a third reading.

Senate adjourned till 9 o'clock to-morrow morning.

THURSDAY, March 3, 1870.

Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—29.

Journal of Saturday was read and approved.

Mr. Yordy, from the Committee on Enrolled bills, reported as correctly enrolled:

To amend section 1755 of the Revised Code of Alabama;

To revive, continue in force and amend an act entitled an act, to incorporate the grand and subordinate divisions of the order of Sons of Temperance of the State of Alabama, approved February 20, 1848.

Mr. Hinds introduced a bill,

To authorize the Franklin and Pollard Railroad Company of Alabama, to change their charter, and to increase the capital stock of the company;

Which bill was read and ordered to a second reading.

Mr. Pennington offered the following joint resolution:

*Resolved, by the Senate, (the House of Representatives concurring,) That the joint resolution, providing for a sine die adjournment of the General Assembly this day, is hereby*

rescinded, and that the two Houses of the General Assembly, adjourn *sine die* at 12 M. on Saturday, March 5th, 1870, and that no new business be introduced or considered without unanimous consent be obtained.

Mr. Worthy moved to lay the joint resolution on the table ;  
Which motion was lost—

Yeas 13, nays 14.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Lambert, McAfee, Mahan, Miller, Oliver, Royal, Sanford, Sevier, Sibley, Worthy and Yordy—13.

Those who voted in the negative are—

Messrs. Coon, Farden, Foster, Glass, Hinds, McIntosh, Mabry, Martin, Pennington, Richards, Stow, Wise and Whitney—14.

Mr. Jones moved to amend by substituting "Saturday, March 12th" for "Saturday, March 5th" ;

Which amendment was laid on the table—

Yeas 19, nays 6.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Foster, Glass, Lambert, McAfee, McIntosh, Mabry, Mahan, Miller, Pennington, Richards, Sanford, Sibley, Stow, Wise, Whitney and Yordy—19.

Those who voted in the negative are—

Messrs. Jones, Martin, Morton, Oliver, Sevier and Worthy—6.

Mr. Oliver moved to adjourn *sine die* ;

Which motion was ruled out of order ;

Mr. Oliver appealed from the decision of the chair, which had decided that a motion to adjourn or take a recess while a motion is pending was out of order ;

And the decision of the chair was sustained ;

Joint resolution was laid on the table—

Yeas 15, nays 11.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, Coon, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Oliver, Sanford, Sevier, Sibley, Worthy and Yordy—15.

Those who voted in the negative are—

Messrs. Farden, Foster, Glass, Martin, Morton, Pennington, Richards, Royal, Stow, Wise and Whitney—11.

Mr. McAfee, from the Judiciary Committee, submitted the following report, which was read in full :

## REPORT :

The Judiciary Committee, to whom was referred the "Resolution" of inquiry into alleged "illegal use or unlawful application of the public money, or any part of the school fund for Mobile county, or other public fund", beg leave to report, that they have availed themselves of all accessible means of information upon the subject, and of the benefit which was to be derived from counsel learned in the law, some of whom appeared before your committee as counsel for Mr. G. L. Putnam and Dr. N. B. Cloud, whilst others appeared as counsel against them, and for what was and is known as the "Old School Board of Commissioners," and as the result of laborious and faithful inquiry.

Your committee report that the voluminous evidence adduced establishes to their satisfaction the following facts, to-wit :

1. That by illegal conduct of said Cloud, State Superintendent, and G. L. Putnam, (so-called) County Superintendent for Mobile county, the latter obtained from the State Treasurer, on or about the 29th day of January, 1869, a sum between five and six thousand dollars, and by far the greater portion thereof was unlawfully applied, if not the whole amount thereof was illegally used, by said Putnam in paying off certain teachers and employees belonging to what is known as the "Blue College" in Mobile, which said College belongs to, and has ever been conducted under the patronage of the American Missionary Association, and at the time said money was so paid, or pretended to be paid, and expended for the use and benefit of said College and teachers, said teachers were in the employment of said Board; and in no just sense were they employed as teachers under the school laws of Alabama. And by reason of such illegal use of said funds, this large sum was diverted and illegally used, and making the treasury of the State tributary to an institution in no way connected with the State school system at the time—and thereby depriving thousands of children in the county of Mobile from any participation in said funds. That at the time said money was so received and illegally expended, said G. L. Putnam was not a bonded officer as County Superintendent of Public Schools in Mobile county; and that said money was so drawn from the treasury of the State, and so illegally used, when it was known to said Cloud and Putnam

that the latter had no proper bonds on file as County Superintendent of Mobile county; and with the full knowledge of the fact that said Putnam was not in fact said County Superintendent, said Cloud did issue a paper writing to said Putnam, which enabled him to obtain said large amount, and Putnam illegally used the same as herein shown.

Although your committee feel it due to Dr. Cloud to say that he possibly acted in this transaction with a view to reconcile certain school difficulties in Mobile, nevertheless, your committee cannot look with allowance upon such unjustifiable conduct in so important a public functionary—conduct so wholly unreconcilable with any duty or privilege under the school laws.

The State Superintendent, Dr. Cloud, appointed two Superintendents in Mobile county, one called the County Superintendent, the other called the Superintendent of colored Schools.

2. That in July, 1869, the said State Superintendent appointed said Putnam, County Superintendent of Mobile county; that more than sixty days afterwards the said Putnam executed a bond as County Superintendent, which was approved by the Judge of the Circuit Court, which includes Mobile county; which bond has recently been pronounced by the grand jury of Mobile county as insufficient, as appears by the published report of said grand jury; that since the approval of said bond, the said State Superintendent furnished the said Putnam with the instrument which enabled him to obtain from the Auditor a warrant on the State Treasurer for over nine thousand dollars of the public school funds of Mobile, which warrant the said Putnam was restrained from collecting only by an injunction which has been dissolved within the last few days by the action of the Supreme Court; but was dissolved by that court upon grounds which establish the unalterable dedication of the whole of the public school funds of Mobile county to the purpose of educating the youth of that county, and to no other purpose.

The warrant of the Auditor last mentioned is not shown ever to have passed out of the hands of said Putnam; and the presumption is plain that he still has it and will now collect it, as said injunction is dissolved, if he has not already done so; and there is no information that any new bond has been given.

3. That since the said Putnam obtained the last mentioned warrant, and whilst said injunction was of full force as to said State superintendent as well as to said Putnam, the said State

superintendent, at the instance, and by the procurement of said Putnam, obtained from the State Treasurer two thousand dollars, or a larger sum, of the public school funds of Mobile county and city, with the intent and purpose, on the part of both Cloud and Putnam, that the same should be applied to the payment of fees of the lawyers employed by one or both of them in said litigation in said injunction suit ; and that the same was in fact applied in payment of fees of said lawyers ; the said Cloud and Putnam both assenting thereto. This application of said amount of the public school funds of Mobile, is palpably illegal, and is shown to be so by the decision of the supreme court in the case above referred to.

4. That whilst said injunction was of force, the said Putnam, through the act of said Cloud, obtained \$3,600 of the public school funds of Mobile county, a part, if not all of which, was illegally used or applied.

5. That after all this, the said State superintendent drew a warrant, at the instance of said Putnam, upon the Auditor, (Comptroller,) for three thousand three hundred dollars of the public school funds of Mobile, which warrant was drawn under color of section 975 of the Revised Code, and was presented to the Auditor ; but the said Putnam being in the Auditor's office before the Auditor drew his warrant on the Treasurer for said \$3,300, the Auditor asked Putnam if he was not interested in said warrant ; Putnam admitted he was, and thereupon the Auditor refused to allow or act on said warrant of the State Superintendent, which was afterwards torn up by Cloud or Putnam.

6. Your committee further state, that many other facts were adduced before the committee, which tended to incline the minds of the committee to the opinion and belief, that the teachers in the Blue College aforesaid, in Mobile, were paid and allowed generally, salaries and compensation—and particularly one Squires—sum and sums of money for their services to a larger amount than is consistent with a faithful and economical administration of the trust on the part of said Cloud and Putnam ; for instance, at the rate of \$4,000 per year, or \$1,000 per quarter to said Squires. That there appears further, from the evidence, that sums of money, too large in amount and greatly disproportionate to the services rendered, are, and have been allowed and paid to county superintendents in the counties in this State.

7. Your committee, with great diffidence, respectfully recommend to your honorable body, and suggest some change



in the system and order of officials in the school system, such as—

1. The abandonment of the *special Legislature* at the earliest moment in which a change may be practicable, by an amendment of the Constitution.

2. The passage of laws prohibiting any person from holding more than one office in the entire school system, under such prohibitions and restrictions as the Legislature, in their wisdom may deem proper and expedient.

3. The adoption of a uniform compensation for all county superintendents.

4. A general reduction in the *pay* of all the *officials*. We especially call the attention of this General Assembly, and the Senate in particular, to *this item*, as partaking too much of the quality of a *sponge* to the amount of funds raised for school purposes in this State, and as tending to greatly depreciate the present school system in the estimation of the tax-paying people of Alabama.

G. T. McAFEE,  
Chairman.

I. D. SIBLEY,  
DAN. V. SEVIER,  
A. N. WORTHY.

On motion of Mr. Pennington, five thousand copies of said report were ordered to be printed in pamphlet form.

Mr. Worthy offered the following resolution :

*Resolved*, That the Governor be, and he is hereby authorized and requested, to institute legal proceedings forthwith, against G. L. Putman and N. B. Cloud, to recover back any money which may have been illegally used and wrongfully applied, out of any of the Mobile School Fund, as ascertained by the report of the Senate Judiciary Committee.

Mr. Whitney moved to lay said resolution on the table ;

Which motion was lost—

Yeas 10, nays 16.

Those who voted in the affirmative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Hinds, Martin, Morton, Richards and Whitney—10.

Those who voted in the negative are—

Messrs. Bromberg, Jones, Lambert, McAfee, McIntosh, Mahan, Miller, Oliver, Pennington, Royal, Sanford, Sevier, Sibley. Stow, Worthy and Yordy—16.

Mr. Foster, from Select Committee, reported favorably to Senate bill,

To provide for the disposal of the swamp and overflowed lands, donated to the State of Alabama by the United States ;  
Which bill was laid on the table.

Mr. Farden, from the Committee on Internal Improvements, reported favorably to Senate bill,

Requiring uniform charges for freight by railroads ;  
Which bill was laid on the table.

Message from the Governor as follows :

*Mr. President :*

The Governor has approved and signed bills which originated in the Senate, to be entitled as follows :

To amend section 12 of an act entitled an act, to incorporate the Warrior Bridge, Pontoon and Ferry Company, approved February 16, 1867 ;

To amend section 26 of an act entitled an act, to regulate elections in this State, approved October 8, 1868 ;

To make Nancy Van Zandt, of Calhoun county, a free dealer ;

For the relief of Thomas M. Geer and Nancy E. Geer, minors of Cleburne county, of non-age ;

To authorize the sale of the 16th section, in township seventeen, range two, west, in Sumter county ;

For the relief of the Judge of the county court of Madison county ;

To authorize the probate court of Montgomery county, to take jurisdiction of the estate of Sterling Lanier ;

To release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama ;

To amend section 1755 of the Revised Code of Alabama ;

To revive, continue in force, and amend an act entitled an act, to incorporate the grand and subordinate divisions of the order of Sons of Temperance of the State of Alabama, approved February 20, 1848.

Very respectfully,

D. L. DALTON,  
Secretary.

## Messages from the House :

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has passed the following Senate bills :

To regulate agencies of life insurance companies of the other States of the United States, doing business in the State of Alabama ;

To declare Wm. Deason a citizen of Coosa county ;

To authorize the making affidavits to claims filed against insolvent estates at any time previous to final settlement ;

To regulate the appointment and authority of the guardians who may hereafter be appointed for Beauregard and Kate Carter ;

To regulate the finances of Coffee county ;

To regulate the appointment of receivers in chancery ;

And amended and passed Senate bill,

To further the improvement of the navigation of the Coosa river ;

And concurred in Senate amendments to House bill,

To amend sections 13 and 14 of an act, to provide for the regulation of elections.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has passed Senate bills, as follows :

To provide for the permanent location of the county site of Choctaw county ;

Explanatory of section 63 of an act entitled an act, to establish a new charter for the city of Selma ;

To establish an election precinct at Locust Bluff, in Autauga county ;

To create a new chancery district out of the counties of Dale and Henry ;

To establish additional precincts in the county of Colbert ;

Requiring the officers of the county of Franklin to restore to the officers of Colbert county, the books, papers, and prop-

erty, formerly belonging to the county of Colbert, and now in the offices or possession of the officers of Franklin county ;

To amend section 1321 of the Revised Code ;

To authorize the county commissioners of Butler county, to levy a special tax, for the purpose of repairing and enlarging the court-house of said county ;

To amend an act, authorizing the commissioners court of roads and revenue, in the counties of Elmore and Autauga, to pay solicitors of said counties salaries in lieu of fees ;

And concurred in Senate amendments to House bill,

For the relief of the solicitors of Monroe and Macon counties.

Very respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has originated and passed bills,

To prohibit the sale or giving away of spirituous or vinous liquors, within two miles of Old Town Creek Church, in Dallas county, and Walnut Grove Church and School, in Etowah county ;

To authorize the probate judge of Lowndes and Marengo counties, to appoint more than one general administrator for said counties.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has passed Senate bill,

To authorize and require the present county superintendents to receive and disburse the school moneys, for the years 1866, 1867, and up to July 12th, 1868.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr President :*

The House has originated and passed the following bills :  
Supplementary to an act to amend an act to establish revenue laws ;

To amend an act to establish revenue laws for the State of Alabama ;

For the relief of the University of Alabama.

Respectfully,

W. B. CLOUD,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has originated and passed by a unanimous vote, a joint resolution, which is herewith transmitted ;

And has appointed on the part of the House, the following committee, to-wit : Messrs. Green, McKinstry and Reeves.

Respectfully,

W. B. CLOUD,  
Clerk.

House joint resolution, providing for a joint committee to visit the Governor,

Was read and adopted,

And Messrs. Richards and Mabry, were appointed the Senate Committee.

House bill, to lend the credit of the State of Alabama to the Montgomery and Eufaula railroad company, for expediting the construction of its railroad within said State ;

Was read a third time and passed ;

Yeas 20, nays 8.

Those who voted in the affirmative are—

Messrs. Barr, Coon, Farden, Foster, Glass, Hinds, Jones, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Pennington, Royal, Sanford, Stow, Wise, Whitney and Worthy—20.

Those who voted in the affirmative are—

Messrs. Bromberg, Buckley, McAfee, Oliver, Richards, Sevier, Sibley and Yordy—8.

Mr. Lambert was excused from voting—1.

A motion was made to reconsider said last vote, and said motion was laid on the table.

Senate concurred in the amendments of the House to Senate bills—

To further the improvement of the navigation of the Coosa river ;

Senate receded from its amendment to the House bill—

To regulate the publication of legal notices in Shelby and other counties.

House joint resolution, in relation to the salary of the recording secretary of the Executive Department ;

Was read a third time and passed.

House bills—

To establish public pounds in the county of Montgomery ;

To incorporate the town of Stevenson, in Jackson county ;

To incorporate the town of McKinley ;

To facilitate the repairs of public roads in Marengo. Wilcox, Randolph and Macon counties ;

To alter and amend the charter of the town of Camden, Wilcox county ;

To require the treasurer of Wilcox county to pay the fees of county officers in certain cases ;

For the relief of Leonard W. Godbold, a minor, of Wilcox county ;

For the relief of Joseph Johnston, of Tallapoosa county ;

For the relief of Francis M. Barnett, and A. J. Bowen, of Montgomery county, and Marshall Phillips, of Coffee county ;

To make Margaret E. Alvis and Rachel Marks, free dealers ;

For the relief of Forney academy, Blount county ;

To legalize the election held in Blount county, on the 5th February, 1868 ;

Were severally read three times forthwith and passed.

House bill, to permanently locate the county seat of Etowah county ;

Was read a third time and passed.

House bill, to amend the charter of the city of Montgomery ;

Was taken up on its second reading ;

Mr. McAfee's amendment was laid on the table ;

Bill was read a third time and passed.

House bill, to declare illegal, an election held in Blount county, on the 8th February, 1868 ;

Was read and laid on the table.

Senate took a recess till 7 p. m.

## NIGHT SESSION.

Senate met pursuant to adjournment.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Barr, Bromberg, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Oliver, Pennington, Richards, Royal, Sanford, Sevier, Sibley, Stow, Wise, Whitney, Worthy and Yordy—29.

Mr. Lambert from Select Committee, reported favorably to Senate bill,

To provide for the State Printers, copies of the Journals of the two Houses of the General Assembly during the present session ;

Which bill was read a third time and passed.

Also, from the same committee, reported favorably to Senate joint resolution,

To pay Isaac L. Watson and Thomas W. Crowder ;

Which joint resolution was read a third time and passed.

House joint resolution, making an appropriation for the joint committee that visited the Insane Hospital and Medical college ;

Was read three times forthwith and passed.

House bill, supplemental to an act to establish revenue laws ;

Was called up, but its consideration was cut off.

House bill, to pay the deficiencies in Montgomery county, of teachers who rendered services as such in the free public schools for 1868 and 1869 ;

Was read twice forthwith.

Mr. Stow offered a substitute.

Senate at first refused to lay the bill on the table ;

Yeas 7, nays 16.

Those who voted in the affirmative are—

Messrs. Bromberg, Mahan, Oliver, Richards, Royal, Stow, and Yordy—7.

Those who voted in the negative are—

Messrs. Buckley, Coon, Farden, Foster, Glass, Hinds, Jones,

McAfee, Morton, Pennington, Sanford, Sevier, Sibley, Wise, Whitney and Worthy—16.

Afterwards, the bill and substitute were laid on the table.

Mr. Bromberg, from select committee, reported favorably to House bills,

To regulate the punishment of crime ;

Concerning the penitentiary system of Alabama ;

Which bills were laid on the table.

Messages from the House :

HOUSE OF REPRESENTATIVES, }  
March 3, 1870. }

*Mr. President :*

The House has passed the following Senate bills :

To amend and repeal section 8 of an act entitled “ An act to authorize the Savannah, Griffin and North Alabama Railroad Company to extend their railroad &c.” ;

To amend section 21 of an act for the creation and regulation of railroad companies in the State of Alabama, so as to authorize the consolidation of railroad companies before or after their completion ;

For the relief of Lawrence S. Speed and others ;

To authorize Ellen E. Satterwhite to sell certain lands ;

For the relief of Wm. D. Dawkins ;

To authorize Sarah E. Satterwhite to sell certain lands ;

To authorize and empower G. W. Sarter to sell certain lands ;

And amended and passed Senate bills,

To authorize Henry P. Smith, administrator, &c., to sell lands at private sale ;

To amend section 2892 of the Revised Code ;

And originated and passed a bill,

To change the line between Autauga and Elmore counties ;

To change the boundary line between the counties of Barbour and Bullock ;

And originated and adopted a joint resolution as herewith transmitted.

Respectfully,

W. B. CLOUD,  
Clerk.



HOUSE OF REPRESENTATIVES, }  
 March 3, 1870. }

*Mr. President :*

The House has passed Senate bills,

To give additional aid to the South and North Alabama Railroad Company ;

To provide for the State printers copies of the journals of the two Houses of the General Assembly, during the present session ;

Joint resolution to pay Messrs. Watson and Crowder.

Very respectfully,

W. B. CLOUD,  
 Clerk.

House bills—

To authorize the commissioners court of Choctaw county to issue bonds, &c.;

To increase the *ex officio* pay of the sheriff of Madison county ;

For the relief of Pat Doran, of Montgomery county ;

To amend section 2536 of the Revised Code ;

For the relief of D. D. Tichenor, of Tallapoosa county ;

To authorize the administrators of H. L. Wilkinson and J. W. Kellom, deceased, to divide the notes and accounts due and belonging to the late firm of Wilkinson & Kellom ;

To regulate the appropriations for the insane hospital ;

Were severally read three times forthwith and passed.

Senate concurred in the amendment of the House to Senate bill,

To authorize Henry P. Smith, administrator, to sell lands at private sale.

Senate bill, to expedite the construction of the Selma and Gulf Railroad ;

Was read a third time and passed ;

Yeas 24, nays 3.

Those who voted in the affirmative are—

Messrs. Barr, Buckley, Coon, Farden, Foster, Glass, Hinds, Jones, Lambert, McAfee, McIntosh, Mabry, Mahan, Martin, Miller, Morton, Pennington, Richards, Royal, Sanford, Sibley, Stow, Whitney and Worthy—24.

Those who voted in the negative are—

Messrs. Bromberg, Oliver and Yordy.

Mr. Sevier was excused from voting—1.

On motion, at 11½ o'clock, p. m., Mr. Barr, temporary President, pronounced the Senate adjourned *sine die*.

A J. APPLGATE,  
President of Senate.

Attest :

M. P. BLUE,  
Secretary of Senate.

# Bills, Joint Resolutions, Memorials, &c.,

*Introduced in the Senate at the Session of 1869-70.*

---

By Mr. BARR—

- Nov. 19. To determine the salary of the judge of the circuit court for the 6th judicial circuit. Lost on final passage, December 2.
- Nov. 20. To amend an act to incorporate the Deposit Savings Association of Mobile. Lost by adverse report, February 4.
- Nov. 27. To authorize a State engineer and to prescribe his duties.
- Nov. 27. To authorize a commissioner of railroads and telegraphs and to prescribe his duties.
- Nov. 29. To form a new county, to be called the county of DeSoto.
- Dec. 6. To change the separate estates of married women for benefits actually conferred. Lost by adverse report, January 19, 1870.
- Dec. 9. To provide for the election of members of the board of education.
- 1870.
- Jan. 19. For the registration of electors.
- Jan. 31. To authorize the Governor to fill vacancies in the office of chancellor in certain cases. Substitute adopted and passed, February 4.

By Mr. BROMBERG—

- Nov. 17. To authorize the Southern Life Assurance and Trust Company, of Mobile, Alabama, to cease business, to realize its assets and distribute its assets remaining, after the payment of its debts, among its stockholders. Passed, Dec. 11th.

By Mr. BROMBERG—

- Nov. 17. To incorporate the Mobile Bay and Fowl River Canal Company. Lost by adverse report, January 12, 1870.
- Nov. 20. To incorporate the Grand Conclave of the Order of the Seven Wise Men, for the State of Alabama.
- Nov. 29. To regulate agencies of life insurance companies of the other States of the United States, doing business in the State of Alabama. Passed, February 17.
- Nov. 29. Petition from sundry citizens of Mobile.
- Nov. 30. To carry into effect in Alabama the provisions of the 7th clause of the consular convention between the United States of America and His Majesty the Emperor of the French, concluded on the 33d February, A. D. 1853. Passed, January 24, 1870.
- Dec. 8. Memorial from Mobile.
- Dec. 9. Memorial of sundry citizens of Mobile, relative to the board of trade of that city.
- Dec. 9. Memorial of the board of school commissioners of Mobile county.
- Dec. 9. Memorial in behalf of the medical college of Mobile.
- 1870.
- Jan. 14. To extend the provisions of section 3736 of the Revised Code. Passed, January 19, 1870.
- Jan. 19. To construe section 16 of an act incorporating the Gulf City Insurance Company, approved December 10, 1861.
- Jan. 19. To amend an act to incorporate the Factor's and Grocer's Marine and Fire Insurance Company of Mobile, approved Dec. 4, 1863. Passed, February 7.
- Jan. 19. Supplementary to an act to regulate elections, approved October 10, 1868.
- Jan. 21. In relation to weights and measures. Substitute adopted and passed January 29.
- Jan. 27. To raise a fund for the benefit of the fire companies of the city of Mobile. Passed, Feb. 14.
- Jan. 27. Respecting property levied on by attachment or garnishment.

## By Mr. BROMBERG—

- Feb. 7. To better enable laborers, mechanics and employees to collect debts due them for work and labor done.
- Feb. 15. To establish laws for the maintenance of the poor of Alabama.
- Mar. 2. To amend section 1755 of the Revised Code. Passed.

## By Mr. COON—

- Nov. 15. Joint resolution to ratify the 15th amendment to the Constitution. Passed.
- Nov. 19. To amend paragraph 4, section 4340 of the Revised Code. Lost by adverse report concurred in December 4.
- Nov. 19. To re-organize the municipal government of the city of Mobile. Passed.
- Nov. 19. Joint resolution in relation to the removal of political disabilities.
- Nov. 26. Memorial from colored Republicans of Mobile.
- Dec. 4. Joint resolution of sympathy for the patriots of Cuba.

1870.

- Jan. 15. For the relief of Alfred Moore and his sureties. Passed, February 28.
- Jan. 19. Explanatory of an act to empower the Governor to appoint notaries public.
- Jan. 20. To aid the Montgomery and Philadelphia Mining and Manufacturing Company.
- Jan. 20. Joint resolution as to binding up legislative documents of the present session.
- Jan. 24. To expedite the construction of a railroad from Chickasaw, on the Tennessee river, to Ashly Station, on the Selma, Rome and Dalton Railroad.
- Jan. 24. To expedite the construction of the Selma and Gulf Railroad. Substitute adopted March 1, and passed March 3.
- Jan. 24. To expedite the construction of the Selma, Rome and Dalton Railroad.
- Jan. 24. To establish the 14th judicial circuit, and to attach the county of Greene to the 1st judicial circuit.
- Jan. 26. To make a final distribution and appropriation of the three per cent. fund.

By Mr. COON—

- Feb. 2. For the relief of Lawrence Speed and others.  
Passed, February 25.
- Feb. 2. To establish the 13th judicial circuit.
- Feb. 3. Regulating appeals from justices of the peace in certain cases.
- Feb. 3. To repeal section 18 of an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company. Passed, February 25.
- Feb. 3. To provide for the security of holders of insurance policies in this State.
- Feb. 7. To provide for the final distribution and appropriation of the three per cent. fund. Substitute adopted and passed March 1.
- Feb. 7. Memorial to Congress in behalf of the Selma, Rome and Dalton Railroad. Adopted.
- Feb. 7. To authorize the Governor to endorse the bonds of the Montgomery and Eufaula Railroad Company to the extent of \$22,000 per mile.
- Feb. 7. To aid in developing the resources of the State. Lost by adverse report, February 21.
- Feb. 15. To construe sections from 2509 to 2521 of the Revised Code.
- Feb. 15. To increase the efficiency of the militia of the State of Alabama.
- Feb. 15. To extend the provisions of the general incorporation laws to the Grand Conclave of the Order of the Seven Wise Men.
- Feb. 15. Joint resolution of thanks to Brevet Major General Terry and Colonel Crawford, and their commands.
- Feb. 21. To expedite the works of internal improvement in the State of Alabama.
- Feb. 28. To provide for the granting of new trials in courts of law. Tabled.
- Feb. 28. To amend an act to incorporate the male academy at Athens, Limestone county.
- Mar. 2. Explanatory of section 63 of the charter of the city of Selma. Passed.
- Mar. 2. To amend an act to authorize the county commissioners of Autauga and Elmore counties to pay the solicitors salaries in lieu of fees. Passed.
- Mar. 2. To establish an election precinct at Locust Bluff, Autauga county. Passed.

By Mr. COON—

- Mar. 2. To facilitate the collection of audited claims against the several counties of this State. Tabled.
- Mar. 2. Joint memorial for increased postal facilities. Adopted.
- Mar. 2. Joint resolution to pay Isaac L. Watson and Thomas W. Crowder.

By Mr. FARDEN—

- Nov. 16. Explanatory of an act to provide for the registration of electors.
- Nov. 16. To authorize the State Treasurer to sell the specie in the State Treasury.
- Nov. 16. To amend an act entitled an act for the protection of holders of insurance policies in this State.
- Nov. 17. To constitute the clerks of the circuit court *ex-officio* clerks of the county courts. Lost by concurrence in adverse report, Dec. 1.
- Nov. 17. To amend an act to amend section 4063 of the Revised Code. Lost by adverse report, Dec. 3.
- Nov. 17. To establish a public ferry across the Tallapoosa river. Lost by adverse report concurred in Dec. 1.
- Nov. 17. To authorize the county treasurers of Elmore and Autauga counties, to pay salaries in lieu of fees to the solicitors of said counties. Passed Dec. 8.
- Nov. 17. To authorize and empower Joseph L. Hall, a minor, of Autauga county, to settle with his guardian. Lost by adverse report, concurred in Dec. 6.
- Nov. 17. To prevent the breaking of baggage. Lost by adverse report, Dec. 3.
- Nov. 17. To amend section 844 of the Revised Code. Passed Dec. 8.
- Nov. 19. To amend section 817 of the Revised Code. Lost by adverse report, Dec. 14.
- Nov. 19. To purchase statuary for the capitol and to improve the capitol grounds.
- Nov. 19. To regulate the enclosure of live stock in Alabama. Lost by adverse report, Jan. 13, 1870.

By Mr. FARDEN—

- Nov. 19. To empower the Governor to order elections.  
Lost by adverse report, concurred in May 30.
- Nov. 20. For the relief of Abram B. Collins, of Lawrence county.
- Nov. 20. Joint resolution for a joint committee to examine certain State offices, as required by the Revised Code. Adopted.
- Nov. 22. Declaring certain offices vacant. Lost by adverse report, Dec. 14.
- Nov. 22. To declare the wharf at Montgomery free. Lost by adverse report, Jan 26, 1870.
- Nov. 22. To amend an act to empower the Governor to appoint notaries public, approved August 11, 1868. Report adverse, Jan. 13, 1870.
- Nov. 22. Joint resolution for a joint committee, in relation to female convicts. Adopted.
- Nov. 22. Joint resolution for a joint committee to make arrangements for attending the State Fair.
- Nov. 26. To amend section 1064 of the Revised Code. Passed Feb. 7, 1870.
- Nov. 27. To allow Wash. G. Cain, administrator, to sell real estate. Passed Dec. 11.
- Nov. 29. To define commission on sales by register in chancery. Lost by adverse report, Dec 14.
- Nov. 30. Communication from John G. Stokes & Co., State Printers.
- Dec. 1. To amend section 3932 of the Revised Code. Indefinitely postponed, Jan. 11. 1870.
- Dec. 1. To amend the law of Appeals. Passed Jan. 20, 1870.
- Dec. 1. For the relief of Henry B. Vincent, of Autauga county. Passed Dec. 11. 1870.
- Jan. 15. Requiring uniformity of charges for freight on railroads. Tabled March 3.
- Jan. 15. To expedite the construction of the railroad of the Alabama and Chattanooga Railroad Company. Passed Jan. 22, 1870.
- Jan. 19. To authorize and empower Anna Salter to settle with her guardian.
- Jan. 19. For the relief of Richard Golson, of Autauga county. Tabled Feb. 9.



By Mr. FARDEN—

- Jan. 20. For the relief of Rony Lamar, of Autauga county. Tabled Feb. 9.
- Jan. 20. To authorize and empower Thomas F. Taylor to settle with his guardian. Passed Feb. 25.
- Jan. 28. For the relief of Ann M. Sasnet. Passed Feb. 25.
- Jan. 28. For the relief of the executor of the estate of John Jeffries, deceased.
- Jan. 28. To order an election in the counties of Marion, Sanford and Fayette.
- Jan. 28. To prescribe the duties of the clerks in the courts of this State.
- Jan. 31. To declare null and void certain judgments.
- Feb. 3. To make the circuit clerks of Autauga and Elmore counties, *ex officio* clerks of the county courts of said counties. Laid on the table, Feb. 23.
- Feb. 3. Joint resolution for a joint committee to consider the expediency of purchasing a mansion for the Governor. Tabled.
- Feb. 4. To amend an act, fixing the time of holding the courts in the 2d judicial circuits. Passed.
- Feb. 4. To authorize James E. Elliott to sell spirituous or vinous liquors.
- Feb. 7. Joint resolution providing for adjournment *sine die* on the 12th February. Tabled.
- Feb. 15. To regulate the time of holding the courts in the 2d judicial circuit. Passed.
- Feb. 15. Joint resolution in relation to the interpolation of the bill to re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof.
- Feb. 21. To provide payment for chandeliers and light in the State Capitol. Passed.
- Feb. 28. To repeal sections 1376, 1377, 1378, 1379, 1380, 1381 and 1382 of the Revised Code.

By Mr. FOSTER—

- Nov. 26. To annex the county of Sanford to the 3d judicial circuit, and to fix the time to hold the circuit court in certain counties in said judicial circuit. Passed December 8.

By Mr. FOSTER—

Nov. 30. To constitute Clementine C. Constantine, of Greene county, a free dealer. Amended, and passed, December 11.

Dec. 7. To authorize the payment of Attorney's fees in certain cases. Substitute reported and laid on the table, Feb. 23.

Dec. 7. For the relief of Messrs. Walker, Murphy and Winter.

Dec. 9. To invest the chancellor of the western chancery division with jurisdiction in the case of John F. Wiatt *vs.* Lucy E. Wiatt. Tabled, Dec. 11.

1870.

Jan. 15. For the relief of John F. Wiatt, of Sumter county.

Jan. 19. To alter, arrange and designate the county boundaries between the counties of Washington and Choctaw, and Choctaw and Sumter. Passed, February 4.

Feb. 2. To appoint the time for holding the chancery court for the county of Clarke. Passed.

Feb. 15. To repeal an act to prohibit the sale of ardent spirits, except for medicinal purposes, within 3 miles of the male and female academy at Pushmataha, in Choctaw county. Passed.

Feb. 25. To provide for the permanent location of the county site of Choctaw county. Substitute adopted, and passed March 1.

March 2. To regulate the appointment of receivers in chancery. Passed.

March 2. To make a disposition of the swamp and overflowed lands donated to the State of Alabama by the United States. Tabled, March 3.

By Mr. GLASS—

Nov. 19. To incorporate the town of Tuskegee, in the county of Macon.

1870.

Feb. 15. To authorize and empower G. W. Sarter to sell certain lands. Passed.

By Mr. HINDS—

1870.

- Jan. 10. To expedite the construction of railroads in the State of Alabama. Substitute passed, Feb. 11.
- Jan. 12. To pay the officers and employees of the General Assembly during the recess. Tabled, February 17.
- Jan. 12. To repeal an act to incorporate the North Alabama Manufacturing company.
- Jan. 14. For the relief of J. B. Billingsly, of Blount county. Lost by adverse report, Feb. 4.
- Jan. 15. To authorize the county commissioners of this State to allow salaries to solicitors.
- Jan. 19. To change the boundary line between the counties of Marshall and Blount. Passed Jan. 27.
- Jan. 21. For the relief of W. B. & H. E. Alsabrook, of Franklin county.
- Jan. 24. To enable the North Alabama Agricultural and Mechanical Association, to re-organize under their charter. Passed Feb. 21.
- Feb. 7. In behalf of the Mediterranean and Oriental steam navigation company of New York ;
- Feb. 7. To establish a new charter for the town of Decatur, Morgan county. Passed, Feb. 21.
- Feb. 15. To repeal section 3517 of the Revised Code, and re-enact section 3046 of the Code of Alabama, adopted February 5, 1852, in its application to the county of Morgan.

By Mr. JOHNSON—

- Dec. 9. To incorporate the town of Greensboro, in Hale county. Passed, Jan. 20, 1870.
- Dec, 9. To establish a chancery court for Hale county.

By Mr. JONES—

- Nov. 16. To amend section 2302 of the Revised Code ;
- Nov. 16. To repeal an act therein named, approved Feb. 20, 1866. Passed, Jan. 1870.
- Nov. 17. For the relief a John B. Boddie, of Marengo county. Passed Dec. 8.
- Nov. 17. For the relief of W. T. Blackford, of Hale county. Lost on final passage, Nov. 17.
- Nov. 19. For the relief of the poor of Marengo county.

By Mr. JONES—

- Nov. 19. To remove the county seat of Greene county, from Eutaw to Fair View. Passed, Feb. 7.
  - Nov. 19. To authorize the administrator of the estate of Gottlieb Brietling, deceased, to compromise debts due said estate. Passed, Dec. 8.
  - Nov. 19. To protect planters and farmers of Greene county from depredation of stock. Lost by adverse report, Dec. 6.
  - Nov. 19. To amend section 1 of "An act to appoint counsel in certain cases," approved Dec. 30, 1868. Lost by adverse report concurred in, Nov. 30.
  - Nov. 19. Joint resolution for a joint committee to visit the State prison, Deaf, Dumb and Blind institution, and Insane Asylum. Lost by adverse report, Dec. 9.
  - Nov. 29. For the relief of the estate of Winfield Woolf, deceased. Passed, Jan. 1870.
  - Dec. 1. For the relief of John W. Coleman, of Greene county. Lost on final passage, Feb. 4.
  - Dec. 9. To amend an act to establish the Canebrake agricultural district, and to provide for securing the same, and the management of its affairs. Passed, Jan. 24, 1870.
- 1870.
- Jan. 10. To regulate the legal rate of interest from the 11th January, 1861, to the 16th August, 1865.
  - Jan. 13. For the relief of the poor of Marengo county.
  - Jan. 13. To amend the law in relation to compromises by executors or administrators, of debts due the estates which they represent.
  - Jan. 13. To remove the guardianship of Nannie O. Kimbrough and Mary F. Kimbrough, minors, from Wilcox county to Marengo county.
  - Jan. 13. To incorporate the town of Linden, in Marengo county. Passed, Feb. 4.
  - Jan. 16. To authorize the Governor to negotiate for the purchase of a site for a new penitentiary.
  - Jan. 19. To empower the Governor to appoint a judge of the county court of Marengo county.
  - Jan. 21. To enlarge the powers of the mayor and aldermen of the city of Demopolis, so as to enable them to lease out certain real estate. Tabled, Jan. 24.

By Mr. JONES—

- Jan. 31. To make Mrs. N. A. Felts, wife of W. H. Felts, and Mrs. Mary A. Carlisle, wife of Jasper C. Carlisle, all of Choctaw county, free dealers. Amended, and passed, Feb. 4.
- Feb. 2. To amend section 55, of the revenue laws of Alabama.
- Feb. 2. To incorporate the Demopolis Banking house in the city of Demopolis.
- Feb. 2. To allow all women in Alabama 21 years old to vote.
- Feb. 3. To provide for the support of hospital patients at Demopolis.
- Feb. 7. To amend section 3598 of the Revised Code.
- Feb. 7. To regulate the pay of grand and petit jurors of Marengo county.
- Feb. 15. The more perfectly to secure the payment of railroad bonds, and thereby protect the State against loss for her endorsement thereof.
- Feb. 15. To amend chapter 4, title 6, part 2, of the Revised Code.
- March 2. For the relief of J. D. Fox, A. A. J. Riddle, and F. B. Jackson. Passed.
- March 2. To enable the Governor of Alabama, to make a final settlement with McClung & Jacques, of the just claim they have against the State for salt furnished by them upon the faith and credit of the State, to the great relief of the sufferings of loyal citizens during the late rebellion. Tabled.

By Mr. KING—

- Nov. 16. For the building of a court house in Dale county.
- Nov. 27. To create a new chancery district out of the counties of Dale and Henry. Passed, Feb. 23.
- Dec. 1. For the relief of James Bradshaw, a minor of Dale county. Passed, Jan. 16, 1870.
- Dec. 1. For the relief of the heirs and distributies of the estate of Moses Mathews, late of Dale county, Alabama.
- Dec. 6. For the relief of W. H. H. Shofner, and change name.

By Mr. KING —

- Dec. 6. To authorize W. H. Parks, late register in chancery, to make title to lands sold by him while he was the register.
- Dec. 6. To regulate the publication of legal notices in Dale county. Amended, and passed, Feb. 4.
- Dec. 6. For the relief of Samuel D. Durham, of Coffee county. Lost by adverse report, Feb. 4.
- Dec. 9. To incorporate the town of Columbia, in Henry county. Passed, Dec. 11.
- Dec. 9. To preserve good order in and around the China Grove camp ground, in Dale county. Passed, Jan. 20, 1870.
- Dec. 9. To declare Harricane creek, in Henry county, a public highway. Passed, Jan. 20, 1870.
- 1870.
- Jan. 21. To establish an election precinct at Haw Ridge, in Dale county. Passed, Jan. 24.
- Feb. 2. To define and declare the compensation of the county commissioners of Dale county. Passed.
- Feb. 3. To provide for the removal of the jurisdiction of estates of decedents and minors, to Bullock county.
- Feb. 3. To legalize the marriage between R. B. Newton and Sarah Black, of Geneva county. Passed.

By Mr. LAMBERT—

- Nov. 22. For the relief of Samuel Logan and family, of Coosa county. Passed, Dec. 2.
- Nov. 26. To repeal articles 18 and 19 of section 112, of the revenue laws. Tabled, Dec. 6.
- Nov. 27. For the poor of Coosa county. Passed.
- Nov. 30. To further the improvement of the navigation of the Coosa river. Amended and passed, Janua-  
12, 1870.
- Dec. 9. Making an appropriation to pay teachers of public or common schools for the years 1866 and 1867.
- Dec. 9. For the relief of William G. Garrett, of Talladega county. Amended and passed, Dec. 11.
- Dec. 10. To make Mrs. Mary Hines, of Coosa county, a free dealer. Passed, Jan. 16, 1870.

By Mr. LAMBERT—

1870.

Jan. 12. To authorize Henry P. Smith, administrator, to sell lands at private sale.

Jan. 19. For the relief of William L. Anthony, of Marion county.

Jan. 20. To change the boundary line between the counties of Elmore and Tallapoosa. Passed, January 24.

Jan. 31. To declare the members of the board of Education ineligible to the office of County Superintendent. Tabled, Feb. 9.

Feb. 15. To declare William Dawson, a citizen of Coosa county. Passed.

By Mr. LENTZ—

Nov. 17. To amend section 17 of an act to establish revenue laws for the State of Alabama. Lost by concurrence in adverse report of committee, November 30.

Nov. 30. To authorize the court of county commissioners of Limestone county to allow a salary to the solicitor of said county. Lost by adverse report, December 14.

Nov. 30. To amend section 3706 of the Revised Code. Tabled, January 11, 1870.

Nov. 30. To amend section 3707 of the Revised Code. Indefinitely postponed, January 11, 1870.

Nov. 30. To repeal section 4343 of the Revised Code. Lost by adverse report, December 14.

1870.

Jan. 10. To allow Archelaus P. Griffin to establish a ferry across Elk river. Indefinitely postponed.

Jan. 19. To incorporate and establish a new charter for the town of Athens, Limestone county. Passed February 21.

Feb. 7. To incorporate the town of Mooresville, Limestone county. Passed.

By Mr. MABRY—

Nov. 19. For the relief of C. M. Beasley, of Bullock county. Lost by adverse report concurred in, December 1.

By Mr. MABRY—

Nov. 27. To incorporate the Phoenix Fire Company, No. 2, of Eufaula, Alabama. Passed, December 11.

Dec. 1. To establish the city court of Eufaula. Tabled Dec. 8; afterwards passed Jan. 16, 1870.

Dec. 2. To amend an act approved February 16, 1867, entitled "An act to incorporate the city of Eufaula." Passed, January 20, 1870.

Dec. 6. In relation to jurors in Barbour county.

Dec. 10. For the relief of Mary West, of Barbour county. Passed January 16, 1870.

1870.

Jan. 12. To incorporate the E. B. Young banking house in the city of Eufaula. Lost by adverse report, February 14.

Jan. 19. To declare Martha Howell, of Barbour county, a free dealer. Amended and passed Jan. 24.

Jan. 21. To expedite the construction of the Vicksburg and Brunswick Railroad.

Jan. 24. To amend section 2 of an act to incorporate the Eufaula Home Insurance Company.

Jan. 26. To amend section 2660 of the Revised Code.

Jan. 27. To establish a new charter for the city of Eufaula.

Jan. 28. To amend an act to incorporate the Woodville Insurance Company. Lost by adverse report, February 14.

Jan. 31. To allow divorces for other causes than those now provided for. Tabled.

Jan. 31. For the relief of Marcian A. Johnson, of Barbour county. Passed.

By Mr. MAHAN—

Dec. 7. To amend an act to amend an act to lay off and divide the State of Alabama into twelve judicial circuits and fix the time of holding the courts therein, approved October 6, 1868. Passed, February 7.

Dec. 10. To make Elizabeth Brown, wife of Oliver C. Brown, of Bibb county, a free dealer. Passed January 16, 1870.

1870.

Jan. 10. To make Catharine Maroney, wife of Thomas E. Maroney, of Baker county, a free dealer. Passed February 9.



## By Mr. MAHAN—

- Jan. 12. For the relief of D. M. James, surviving partner of Latham & James.
- Jan. 19. To amend an act to incorporate the Centreville Bridge Company. Passed January 24.
- Jan. 21. To make Martha Maroney, wife of P. D. Maroney, of Shelby county, a free dealer. Indefinitely postponed.
- Feb. 7. To authorize the commissioners court of Bibb county to issue bonds, and for other purposes. Passed.
- Feb. 7. To amend section 760 of the Revised Code. Passed.
- Feb. 15. To amend section S73 of the Revised Code.

## By Mr. McAFEE—

- Nov. 26. To amend an act to establish an institution for the deaf, dumb and blind. Passed Dec. 9.
  - Nov. 26. To relieve Martha D. Mosely from the disabilities of marriage with Andrew B. S. Mosely. Passed December 8.
  - Nov. 26. To authorize the Governor of the State of Alabama to grant and cause letters patent for lots 1, 6, 7 and 8, &c. Passed December 11.
  - Nov. 27. To establish a new charter for the city of Talladega, and to repeal certain acts and all laws conflicting therewith. Passed Dec. 2.
  - Nov. 29. To amend the 1st and 16th sections of an act entitled "An act to incorporate the Selma Fire and Marine Insurance Company," approved December 11, 1866, so as to change the name of said company. Passed Jan. 15, 1870.
  - Dec. 7. To divide the State into judicial districts. Lost by adverse report, January 12, 1870.
  - Dec. 7. Memorial of Joel F. McCreight. Bill reported and tabled December 11.
  - Dec. 9. To amend and repeal subdivision 10, of section 750 of the Revised Code. Passed Jan. 20, '70.
- 1870.
- Jan. 13. Memorial in behalf of James Brooks, of Clay county.
  - Jan. 15. For the relief of the estate of Joseph Pizzala, deceased, late of the city of Montgomery. Passed.

## By Mr. McAFEE—

- Jan. 20. To amend section 3577 of the Revised Code. Passed February 23.
- Jan. 28. To enlarge the jurisdiction of the chancery courts in the matter of lands of decedents, sold under proceedings in the orphans or probate courts. Passed February 23.
- Feb. 2. To compensate solicitors under the Revised Constitution of Alabama.

## By Mr. McINTOSH—

- Feb. 3. For the more thorough organization of the State lunatic asylum. Lost by adverse report, February 25.
- Feb. 15. For the relief of Terry Stringfellow, of Pickens county. Tabled.
- Mar. 2. To permanently locate the county site of Greene county. Passed.

## By Mr. MARTIN—

- Nov. 16. To locate the county site of the county of Russell. Passed Jan. 16, 1870.
- Nov. 17. In relation to the working on public roads in Russell county.
- Nov. 29. To repeal section 3555 of the Revised Code. Lost by adverse report, December 14.
- Dec. 6. To amend section 750 of the Revised Code, and to prescribe the sessions of the circuit court for the county of Russell.
- Dec. 6. To authorize John R. Mott, a citizen of Georgia, to qualify as executor of the estate of J. A. Chapman, deceased. Passed Dec. 11.
- Dec. 9. For the relief of Louisiana Lester, of Russell county. Passed January 20.
- Dec. 10. For the relief of Louisana Lester, of Russell county. Passed January 16, 1870,
- 1870.
- Jan. 24. To amend an act to establish fencing in certain portions of Montgomery county.
- Jan. 24. For the relief of the estate of W. T. Starke, deceased, late of Russell county.
- Feb. 9. For the benefit Russell county. Tabled.
- Feb. 15. To amend section 1321 of the Revised Code.

By Mr. MILLER—

- Nov. 19. To fix the time of holding the circuit court in the 11th judicial circuit. Passed Jan. 28.
- Nov. 22. Joint resolution for a joint committee to investigate the conduct and management of the Mobile and Montgomery, and Montgomery and West Point Railroads. Adopted.
- Nov. 26. For the relief of E. C. Milner, tax collector of Butler county. Passed Dec. 13.
- Dec. 7. To authorize Thomas H. Hampton, of Butler county, to sell and dispose of the property belonging to his children.

1870.

- Jan. 12. For the relief of free school scholars and their parents or guardians.
- Jan. 12. To expedite the construction of railroads in Alabama. Substitute adopted and passed Feb. 10.
- Jan. 15. To authorize the court of county commissioners of Butler county, Alabama, to levy a special tax, for the purpose of repairing and enlarging the court-house of said county. Passed Jan. 24.
- Jan. 19. To enable persons prosecuted for offences against the criminal laws of the State to give bail before trial.
- Jan. 20. Reported a bill to authorize the Governor to endorse on the part of the State the first mortgage bonds of the Mobile and Montgomery Railroad Company. Passed Feb. 14.
- Feb. 2. To authorize the commissioners court of Crenshaw county to levy a special tax for the purpose of building a court-house. Passed February, 14.
- Feb. 2. To authorize the Commissioners court of Crenshaw county to borrow money and issue therefor warrants upon the county treasurer, to be paid out of the special tax levied to build a court-house. Passed Feb. 14.
- Feb. 15. To regulate the construction of bills in certain cases.

## By Mr. MORTON—

Nov. 24. To authorize the election of Marshal of the city of Tuscaloosa.

Dec. 10. To amend an act to incorporate the Warrior Bridge Pontoon and Ferry Company. Passed Feb. 7, 1870.

1870.

Jan. 20. For the relief of T. J. Griffin, of Fayette county.

## By Mr. OLIVER—

Nov. 19. To define the duties of chancery judges in this State.

Dec. 1. To require certain cases of misdemeanor to be returned to the county courts for trial. Lost by adverse report, Dec. 14.

Dec. 1. To establish county courts with civil jurisdiction in the State of Alabama. Lost by adverse report, Dec. 6.

Dec. 6. To amend an act entitled an act to amend sections 3, 8 and 13 of an act entitled an act in relation to chancery courts in the State of Alabama. Passed Jan. 24, 1870.

1870.

Jan. 12. To amend section 1381 of the Revised Code. Passed Jan. 27.

Jan. 13. To remove the disabilities of non-age from Miss Alabama McDaniel and others. Passed.

Jan. 15. To regulate the charges on railroads.

Jan. 20. To amend the 2d section of an act to empower the Governor to appoint notaries public.

Feb. 3. The better to secure the exemption of real estate from levy and sale by any legal process. Passed Feb. 25.

## By Mr. PENNINGTON—

Nov. 15. Joint resolution for a joint committee. Adopted.

Nov. 16. Joint memorial to the Senate and House of Representatives of the United States of America, and joint resolutions. Amended and passed, Feb. 2.

Nov. 17. To establish a criminal court for Macon county. Lost by adverse report concurred in, Nov. 30

By Mr. PENNINGTON—

- Nov. 17. To confirm special order No. 96, issued from headquarters 3d military district, dated Atlanta, Ga., August 5th, 1867. Passed Nov. 19.
- Nov. 17. To authorize county superintendents of education to use grand jury rooms. Substitute adopted and passed Nov. 26.
- Nov. 19. Joint resolution for a joint committee on the Governor's Message, relating to railroads, &c. Adopted.
- Nov. 19. To regulate common carriers.
- Nov. 19. For the relief of John S. Baugh, of the county of Lee. Passed Dec. 8.
- Nov. 29. For the relief of Bryant H. McCulloch. Passed Dec. 8.
- Nov. 19. To prevent the sale of spirituous liquors within one mile of Beulah Church, in the county of Lee. Passed Dec. 2.
- Nov. 19. Joint resolution relating to hearing a class of mutes and blind. Adopted.
- Nov. 19. Joint resolution for a joint committee to prepare and submit amendments to the State Constitution. Adopted.
- Nov. 22. For the relief of John S. Oswalt, of Macon county. Passed Dec. 2.
- Nov. 29. For the relief of William D. Dawkins. Passed Dec. 3.
- Nov. 29. For the relief of George W. Henderson. Passed Jan. 16, 1870.
- Dec. 1. To amend an act approved Feb. 26, 1868, entitled an act to incorporate the school of Loachapoka, in Macon county. Passed January 20, 1870.
- Dec. 3. To establish a chancery court for the county of Hale. Passed Jan. 24, 1870.
- Dec. 4. To amend section 447 of the Revised Code. Indefinitely postponed, Jan. 11, 1870.
- Dec. 4. To authorize and empower executors and administrators, in the State of Alabama, to sell stock in the Selma and Meridian Railroad Company at private sale. Passed Feb. 4.

By Mr. PENNINGTON—

- Dec. 7. To authorize and require Andrew B. Griffin, county treasurer, of Lee county, to sign the bonds of Lee county, issued for the Eufaula, Opelika, Oxford and Guntersville Railroad.
- Dec. 7. To authorize the Judge of Probate of Lee county to affix the seal of the court of Probate of said county, without affixing State stamp to the bonds of said county, issued to the Eufaula, Opelika, Oxford and Guntersville Railroad. Passed Jan. 20, 1870.
- Dec. 7. To alter and amend section 106, and to repeal sections 107, 108, 109 and 118 of the revenue laws of this State.
- Dec. 9. Repealed a bill to amend the revenue laws as to taxation on railroads. Passed Jan. 19, 1870.
- Dec. 9. Repealed a bill to authorize railroad companies to sell and dispose of perishable and unclaimed freights. Passed Dec. 13.
- 1870.
- Jan. 10. Joint resolution in favor of the establishment of a national postal telegraph system. Passed Jan. 24, 1870.
- Jan. 11. Joint resolution for a joint committee on the Governor's special message as to the Southern Express Company. Adopted.
- Jan. 14. To make Mrs. Sidney Jones, of Lee county, a free dealer. Passed Jan. 24.
- Jan. 19. To amend an act to continue in force certain laws, approved Feb. 22, 1868.
- Jan. 19. To amend an act to extend the time in which to open judgments and grant new trials in certain cases. Passed Feb. 25.
- Jan. 19. To amend an act of the General Assembly of Alabama, entitled an act to authorize the several counties and cities and towns, of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, approved Dec. 31, 1868, and to continue the same as amended in force.

By Mr. PENNINGTON—

- Jan. 19. To legalize, ratify and confirm all acts and things of every kind heretofore done and performed in substantial compliance with the provisions of an act of the General Assembly of Alabama, entitled an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, approved December 31, 1868.
- Jan. 31. To establish a new charter for the city of Opelika. Passed Feb. 21.
- Jan. 31. To establish a special stock law for the counties of Chambers and Lee.
- Feb. 2. Amendatory and supplementary to an act to provide for hospital patients at Talladega. Passed.
- Feb. 3. To amend section 1755 of the Revised Code.
- Feb. 3. To repeal section 1811 of the Revised Code, and to substitute other sections therefor.
- Feb. 7. Joint resolution to raise a joint committee to propose amendments to the Constitution of the State, to the General Assembly.
- Feb. 15. To establish an election precinct in Lee county, to be known as Whitton's Shop. Passed.
- Feb. 15. To amend section 1767 of the Revised Code.
- Feb. 15. To amend section 21 of a certain act. Passed Feb. 17.
- Feb. 15. To amend an act to amend section 1755 of the Revised Code, &c. Approved August 6, 1868.
- Feb. 15. To legalize the organization of all companies incorporated under the act to amend section 1755 of the Revised Code. Approved August 6, 1868, &c.

By Mr. RICHARDS—

- Nov. 26. To provide for the payment of officer's fees in certain cases. Lost by adverse report, Jan. 11, 1870.
- Nov. 30. For the relief of laborers and employees. Lost by adverse report, Dec. 14.
- Dec. 7. In relation to injunctions.

## By Mr. RICHARDS—

- Dec. 9. To aid certain railroads—substitute reported December 13. Lost by adverse report, Jan. 19, 1870.
- Dec. 9. To confer additional power on the Alabama and Chattanooga Railroad Company.
- Dec. 9. To ratify and confirm the title of the Alabama and Chattanooga Railroad Company to certain lands.
- Dec. 10. Relating to the place of meeting of the stockholders of the New Orleans, Mobile and Chattanooga Railroad Company.
- Dec. 10. Relating to the place of meeting of the stockholders of the Alabama and Chattanooga Railroad Company. Passed Jan. 20, 1870.
- 1870.
- Jan. 12. To authorize Eusebias C. Sheffield to settle with his guardian, and to act for himself as if of full age. Passed Jan. 24, 1870.
- Jan. 24. To amend section 2339 of the Revised Code.
- Feb. 26. Reported a bill to regulate appropriations for the Insane Hospital. Passed March 1.
- Feb. 26. Reported a bill for the relief of the Medical College of Alabama. Tabled March 1.

## By Mr. ROYAL—

- Nov. 30. For the relief of Fred Kelly and Jane Kelly, of Barbour county. Amended and passed Dec. 14.
- 1870.
- Jan. 12. To amend section 3430 of the Revised Code.
- Jan. 31. To regulate the appointment and authority of the guardians who may hereafter be appointed for Beauregard and Kate Carter. Passed Feb. 25.
- Feb. 28. To protect laborers. Passed.

## By Mr. SANFORD—

- Nov. 18. To repeal an act therein named.
- Nov. 20. To vest certain lands therein named, in the heirs and widow of Isaac L. Ward, deceased, late of Cherokee county. Passed, Dec. 8.
- Nov. 22. To amend section 11 of an act to establish revenue laws of the State of Alabama, approved December 31, 1868. Tabled, Jan. 11, 1870.



By Mr. SANFORD—

- Nov. 27. To authorize Catharine Q. Hughes, Isaac P. Morgan and John H. Wisdom, to establish a ferry across the Coosa river, at the town of Gadsden, in the county of Cherokee. Lost by adverse report, Dec. 14.
  - Dec. 2. To amend the revenue laws of the State of Alabama, paragraph 9, section 3, approved December 31, 1868. Lost by adverse report, January 11, 1870.
  - Dec. 4. To amend section 2348 of the Revised Code. Tabled, Dec. 11.
  - Dec. 4. Joint resolution, providing that the present session of the General Assembly be extended beyond the thirty days fixed by the Constitution of the State.
  - Feb. 15. For the relief of Thomas M. Geer and Nancy E. Geer, of Cleburne county, of non-age. Passed.
  - March 2. To authorize the County Superintendents to receive and disburse the School funds for 1866 and 1867, and 12th July, 1868. Passed.
  - Dec. 9. To authorize the Secretary of State to furnish certain public officers with a correct map of the State.
- 1870.
- Jan. 12. For the relief of Hampton Graham, late tax collector of the county of Calhoun. Passed, January 24, 1870.
  - Jan. 20. To enable persons holding claims against any railroad company in this State, for damages sustained by them on their lands or other property, to transfer said claims. Passed Feb. 4.
  - Jan. 31. To repeal sections 6 and 7 of an act to regulate elections in the State of Alabama, approved October 8, 1868.
  - Feb. 2. Providing for the payment to the several counties of this State, what may be due from the school fund for the years 1866 and 1867.
  - Feb. 3. To extend State aid to the Alabama and Georgia railroad company.
  - Feb. 4. To regulate the charges of physicians and surgeons in this State.

By Mr. SEVIER—

- Nov. 17. For the relief of G. W. Osborne and Presley Tharp of Franklin county. Lost by adverse report concurred in, Dec. 1.
  - Nov. 19. (With petition) For the relief of W. C. Thorn, of Franklin county. Passed, Dec. 2.
  - Nov. 19. To repeal an act as far as Franklin county is concerned, requiring county commissioners court to publish semi-annual exhibits of receipts and expenditures of money, &c. Tabled, Feb. 4.
  - Nov. 17. To relieve the chancellor of the Northern chancery division of the State of Alabama, from the necessity or obligation of holding two chancery courts annually, in the counties of Franklin and DeKalb. Lost by adverse report January 19, 1870.
  - Nov. 20. To prescribe the salary of the Clerk in the Auditor's office. Passed Dec. 13.
  - Nov. 27. To repeal a proviso of section 3, of an act to adopt the law in relation to the incorporation of the city of Tuscumbia, approved December 23, 1868. Passed Jan. 20, 1870.
  - Dec. 2. To establish a general Vaccine Office in the State of Alabama.
  - Dec. 9. To incorporate the Deshler Female Institute at Tuscumbia. Lost by adverse report, January 19, 1870.
- 1870.
- Jan. 12. To construe subdivision 10, of section 112 of the revenue laws of Alabama.
  - Jan. 13. To amend the 1st section of an act to amend the charter of the Opelika and Talladega railroad company, approved Nov. 19, 1861.
  - Jan. 13. To transfer certain legal documents and papers, from the county of Franklin to the county of Colbert.
  - Jan. 14. To attach the county of Colbert to the Northern chancery division, to be known as the 12th district of said division. Passed, January, 24.
  - Jan. 15. To transfer administration and guardianship from the probate court of Franklin county, to the probate court of Colbert county.

## By Mr. SEVIER—

- Jan. 19. Requiring the officers of the county of Franklin to restore to the officers of Colbert county, the books, papers, and property belonging to the county of Colbert, and now in the offices or possession of the officers of Franklin county. Passed Feb. 23.
- Feb. 4. For the relief of W. S. Napier of Franklin county. Passed.
- Feb. 4. To authorize the making affidavits to claims filed against insolvent estates at any time previous to final settlement. Passed, Feb. 24.
- Feb. 7. Providing for amendment to the Constitution of Alabama.
- Feb. 25. To establish an additional precinct in the county of Colbert. Passed.

## By Mr. SIBLEY—

- Nov. 15. To legalize certain elections. Passed Nov. 17.
- Nov. 16. To provide for common schools of Alabama.
- Nov. 16. To apply the poll-tax and one-fifth of the revenue for 1868, to school purposes. Lost by adverse report concurred in, Nov. 20.
- Nov. 17. For the relief of James H. Gill, of Madison county. Tabled Nov. 19.
- Nov. 20. To repeal an act to establish the city court of Huntsville. Passed Dec. 8.
- Nov. 26. To secure complete records in the courts of this State. Amended and passed Dec. 14.
- Nov. 29. To amend section 2136 of the Revised Code. Amended and passed Dec. 14.
- Nov. 29. To amend section 2161 of the Revised Code. Lost by adverse report, Dec. 14.
- Dec. 2. To amend sections 106, 107, 109 and 111 of an act approved December 31, 1868, entitled "An act to establish revenue laws for the State of Alabama.
- Dec. 2. To amend section 2276 of the Revised Code. Tabled Jan. 13, 1870.
- Dec. 7. To provide for the care and support of hospital patients at Talladega. Substitute adopted and passed January 24, 1870.
- 1870.
- Jan. 12. To repeal section 3538 of the Revised Code.

By Mr. SIBLFY—

- Jan. 12. To repeal an act to incorporate the North Alabama Manufacturing Company. Passed Feb. 25.
- Jan. 12. For the relief of George N. Calhoun, of Madison county.
- Jan. 13. To regulate the collection of tolls in this State.
- Jan. 24. To authorize the commissioners court of Madison county to receive pay for their services.
- Jan. 27. For the relief of George N. Calhoun, of Madison county. Passed.
- Feb. 4. To amend section 4092 of the Revised Code.
- Feb. 4. To amend section 4032 of the Revised Code. Passed Feb. 24.
- Feb. 15. For the relief of the judge of the county court of Madison county. Passed.
- Feb. 15. To amend section 1755 of the Revised Code.

By Mr. STOW—

- Nov. 17. Memorial of the Southern Express Company.
  - Nov. 19. To amend paragraph 2, section 12, of the Revenue laws.
  - Nov. 19. To give the probate court of Montgomery county jurisdiction of the estate of James C. Ray, deceased, late of Macon county. Passed Dec. 20.
  - Nov. 20. To amend an act to re-enact and amend an act to incorporate the Alabama Savings Bank at Montgomery.
  - Nov. 22. John Egger, of the city of Montgomery, to exercise certain privileges. Lost by adverse report concurred in, Dec. 2.
  - Nov. 26. To amend the charter of the Dexter Fire Engine Company of the city of Montgomery. Lost by adverse report, Dec. 14.
  - Dec. 1. For the relief of justices of the peace. Lost by adverse report, December 6.
  - Dec. 6. To benefit the South and North Alabama Railroad Company.
  - Dec. 9. To make Mrs. Lucy H. Dreyspring, of Montgomery county, a free dealer. Passed January 16, 1870.
- 1870.
- Jan. 14. To amend an act to establish a criminal court for Montgomery county. Passed Jan. 20, 1870.

## By Mr. STOW—

- Jan. 15. To enable the administrator of the estate of Wm. T. Judkins, deceased, to sell the real estate of said decedent. Passed January 19, 1870.
- Jan. 21. Memorial of the Agricultural Society.
- Jan. 27. To incorporate the town of Pine Level.
- Jan. 27. In relation to administrators. Passed February 8.
- Jan. 27. To define a lawful fence for and within precinct No. 11, in Montgomery county.
- Jan. 31. To establish public pounds in Montgomery county.
- Feb. 2. To re-imburse the county of Montgomery for maintenance of indigents belonging to other counties. Tabled Feb. 25.
- Feb. 7. To amend section 1 of an act to amend an act to incorporate the Montgomery and Pickett Springs Gravel Road Company.

## By Mr. WHITNEY—

- Nov. 16. To incorporate the Southern States Telegraph Company. Lost by adverse report concurred in, December 1.
  - Nov. 22. To provide for the removal of the county seat of Marengo county, from Demopolis to Linden, in said county. Passed November 26.
  - Nov. 27. To incorporate the Atlantic Express Company.
  - Dec. 3. To allow the court of county commissioners of Jackson county to issue bonds, and to authorize the State to endorse the bonds, and to make temporary loan unto the county of Jackson.
  - Dec. 4. To provide tract books for the new counties. Passed Dec. 11.
  - Dec. 7. For the relief of Isabella Frazier, a minor. Passed.
  - Dec. 9. To incorporate the town of Scottsboro', in Jackson county. Passed December 11.
- 1870.
- Jan. 10. To attach the county of Etowah to the 6th senatorial district. Passed February 7.
  - Jan. 10. To amend an an act to amend section 1755 of the Revised Code, so as to include express and telegraph companies. Passed February 7.
  - Jan. 12. To donate to Jackson county the State taxes of said county for 1876 and 1871, for the purpose of building a court-house and jail. Lost by adverse report, Feb. 17.

By Mr. WHITNEY—

- Jan. 13. For the relief of S. F. Ryan, a minor. Tabled February 9.
- Jan. 20. To release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama. Passed February 25.
- Jan. 31. For the relief of Lafayette Reed. Passed February 25.
- Jan. 31. To amend section 1476 of the Revised Code. Tabled February 21.
- Jan. 31. To repeal section 1481 of the Revised Code.
- Feb. 21. To authorize the probate court of Montgomery county to take jurisdiction of the estate of Sterling Lanier, deceased. Passed.
- Feb. 21. To provide for the establishment and regulation of the Independent Telegraph Company of the State of Alabama.

By Mr. WISE—

- Nov. 20. For the relief of Hugh Montgomery. Lost by adverse report, January 13, 1870.
- Nov. 26. To amend section 59 of the Revised Code. Indefinitely postponed, December 11.
- Nov. 26. For the relief of Sol. E. Jordan, sheriff of Randolph county. Lost on final passage, Dec. 11.
- Nov. 30. To authorize Julia Knighton, of Cleburne county, to sell certain lands. Passed January 20, 1870.
- Jan. 20. To create a contingent fund for the use of the Senate. Lost by adverse report, Feb. 21.
- Jan. 24. To amend and repeal section 8 of an act to authorize the Savannah, Griffin and North Alabama Railroad Company of the State of Georgia to extend their railroad from the Alabama line to a point on the Alabama and Tennessee River Railroad between Talladega and Jacksonville. Passed February 26.
- Jan. 27. To repeal an act to establish the Masonic Home in Chambers county.
- Feb. 15. To authorize Ellen E. Satterwhite to sell certain lands. Amended and passed.
- Feb. 15. To authorize Sarah E. Satterwhite to sell certain lands. Amended and passed.

## By Mr. WORTHY—

- Nov. 17. For the relief of Mariah D. Jackson, of Pike county, Alabama. Passed Dec. 8.
- Nov. 19. For the relief of Robert A. Ross and James F. Hartsfield. Passed Dec. 2.
- Nov. 19. Declaring the effect of certain decrees in chancery. Passed, Dec. 8.
- Nov. 19. For the relief of Archibald McIntyre.
- Nov. 29. To allow the administrator of the estate of Wm. M. Burgess, deceased, to sell the real estate at private sale. Passed, Dec. 11.
- Dec. 4. To revive, continue in force and amend an act entitled an act to incorporate the grand and subordinate divisions of the order of Sons of Temperance of the State of Alabama, approved February 20, 1848. Passed. January 20, 1870.
- Dec. 1. To enlarge and extend the jurisdiction of courts of chancery. Passed, Jan. 24, 1870.
- Dec. 3. To apply and extend the law of garnishment to causes in chancery. Passed, Jan. 24, 1870.
- Dec. 7. To re-organize the 8th judicial circuit. Tabled, February 7.
- Dec. 7. To establish the 13th judicial circuit. Lost on final passage, January 26, 1870.
- Dec. 10. To amend section 2892 of the Revised Code in relation to the law of garnishment. Passed Feb. 7.
- Dec. 13. Joint resolution, to provide for the expenses of the joint committee to visit the penitentiary.
- 1870.
- Jan. 13. Memorial of sundry physicians.
- Jan. 16. To amend an act to fix the time of holding the courts in the 4th judicial circuit. Passed.
- Jan. 19. For the relief of James L. Kitchens, of Pike county.
- Jan. 19. A Joint resolution for a joint committee on the Governor's special message, relative to the annexation of West Florida. Adopted.
- Jan. 24. For the relief of N. L. Whitfield.
- Jan. 24. To incorporate the Troy Hook and Ladder company. Passed.
- Jan. 26. To fix the time of holding the courts in the 8th judicial circuit.

By Mr. WORTHY—

- Jan. 28. Reported a bill to provide for the annexation of West Florida to the State of Alabama. Postponed Feb. 21, till next session of the General Assembly.
- Jan. 31. In relation to bills of exceptions. Passed.
- Jan. 31. To protect the public as well as railroad companies from loss or damage occasioned by live stock upon the track of railroads.
- Feb. 1. Joint resolution for adjournment *sine die* on the 5th instant.
- Feb. 7. Concerning the estate of William H. Smith, deceased. Passed.
- Feb. 7. To make Nancy Vanzandt of Calhoun county, a free dealer. Passed.
- Feb. 15. To authorize Evelyn H. King, of Tuscaloosa county, to lease certain real estate belonging to her wards.
- Feb. 15. To incorporate the Montgomery Charitable hospital.
- Feb. 15. Joint resolution, to carry into effect the provisions of an ordinance to encourage immigration.
- Mar. 2. To regulate the finances of Coffee county. Passed.
- Mar. 2. To allow the guardian of the heirs of M. A. Baldwin, deceased, to remove the guardianship from Montgomery county to Bullock county.
- Mar. 2. To allow the treasurer of Franklin county a certain per cent. upon the moneys collected by him for State revenue licenses. Tabled.
- Mar. 2. To provide for the State Printers, copies of the Journals of the two Houses of the General Assembly of the State of Alabama. Passed March 3.
- Mar. 2. To receive stock of the Selma, Rome and Dalton railroad company for the balance due from the Alabama and Tennessee river railroad company to the State of Alabama, on account of a loan of part of the 3 per cent. fund, under "An act to loan and appropriate the 3 per cent. fund and its interest." Tabled.



By Mr. WORTHY —

- Mar. 2. Joint resolution, requesting the Governor to institute suit against G. L. Putnam, and Dr. N. B. Cloud, to recover back any money which may have been illegally used and wrongfully applied, out of the Mobile school funds, as ascertained by the report of the Judiciary Committee of the Senate.

By Mr. WYMAN—

- Nov. 19. To amend section 3733 of the Revised Code. Lost by adverse report, Nov. 30.
- Nov. 19. For the relief of indigent defendants in criminal cases. Lost by adverse report concurred in, December 1.
- Nov. 20. For the relief of W. L. D. Pitts, of Perry county. December 2.
- Nov. 22. To amend section 2363 of the Revised Code. Lost by adverse report concurred in, December 1.
- Nov. 22. To create a new county out of portions of Dallas, Marengo, Perry and Wilcox counties, to be called the county of Chillatchie. Substitute adopted December 10, Passed Dec. 13.
- Nov. 29. To define who are retailers and who are wholesale dealers in spirituous, vinous or malt liquors.
- Nov. 29. To prescribe the form of indictment for retailing spirituous, vinous or malt liquors. Passed Jan. 20, 1870.
- Nov. 29. To prescribe the form of indictment for wholesale dealing in spirituous, vinous or malt liquors. Passed January 11, 1870.
- Dec. 7. To incorporate the trustees of the Marion Presbyterian Church, in Perry county. Tabled January 20, 1870.
- 1870.
- Jan. 27. To amend sections 41 and 59 of the Revised Code. Lost by adverse report, Feb. 17.
- Jan. 27. To regulate the holding of the courts in the 1st. judicial circuit.
- Jan. 28. To establish a new charter for the town of Marion, in Perry county. Passed Feb. 3.

By Mr. YORDY—

- Nov. 30. To amend paragraph 9, section 3, of an act entitled "An act to establish revenue laws for the State of Alabama.
- Dec. 1. To fix the time of holding courts in the 7th judicial circuit. Passed Feb. 7.
- Dec. 6. For the relief of John Gamble Burton, a minor. Passed December 11.
- Dec. 6. To amend section 3515 of the Revised Code. Lost by adverse report, January 19, 1870.
- Dec. 6. To amend section 1064 of the Revised Code.
- Dec. 7. Memorial of the trustees of township 18, range 1, west, of Sumter county.
- 1870.
- Jan. 13. To provide a uniform system of incorporation for the organization of companies for certain purposes in this State.
- Jan. 13. To authorize William Lockhart, of Sumter county, to erect a mill dam.
- Jan. 14. To define the corporate limits of Livingston, Sumter county. Passed Feb. 4.
- Jan. 15. To repeal sections 3691, 3692 and 3693 of the Revised Code.
- Jan. 15. To repeal an act to incorporate the Tuskaloosa Scientific and Art Association, &c. Passed Jan. 24.
- Jan. 15. To repeal an act to establish the Mobile Charitable Association, &c. Passed Jan. 24.
- Jan. 15. To repeal an act to establish a mutual aid association for the benefit of the common school fund of the State of Alabama. Passed Jan. 24.
- Jan. 15. To amend an act to incorporate and aid the agricultural and horticultural society of Western Alabama.
- Jan. 19. To authorize the holding of an election in Colbert county for county officers. Passed.
- Jan. 21. For the relief of John C. Phares, of Sumter county, from the disabilities of non-age. Passed Jan. 24.
- Jan. 24. To make Mrs. E. P. Parker, wife of Soc Parker, of Sumter county, a free dealer.
- Jan. 28. To prevent drunkenness in the State of Alabama.
- Jan. 31. For the relief of Jerome C. Thompson, of Choc-taw county. Passed Feb. 4.

By Mr. YORDY—

Feb. 3. For the relief of E. H. Ustick, late tax collector of Sumter county.

Feb. 7. To transfer the county of Walker from the western to the northern chancery division.

Feb. 7. To amend section 750 of the Revised Code.

Feb. 15. To authorize the sale of the 16th section, in township 17, range 4, west, in Sumter county.  
Passed.

Feb. 15. For the relief of Mary Frances Miles, of Sumter county

# INDEX.

---

## APPEALS, from decision of Chair:—

By Mr. Lambert, 63 ;  
By Mr. Bromberg, 119, 295 ;  
By Mr. Whitney, 153, 260 ;  
By Mr. Mabry, 198 ;  
By Mr. King, 266 ;  
By Mr. Wise, 279 ;  
By Mr. Coon, 339, 367 ;  
By Mr. Worthy, 342, 398 ;  
By Mr. Oliver, 418.

COMMITTEES, Standing, 30, 31, 34, 42, 44, 45, 47 ;  
Select. 48, 62, 92, 155.

CONFIRMATIONS, additional corporators of the Institution  
for the deaf, dumb and blind, 339 ;  
Trustees of Insane Hospital, 410.

COMMUNICATIONS, from Secretary of State, 33.

ELECTIONS, of journal secretary, 3, 4 ;  
Of temporary president, 91.

ENROLLMENT of Senators, of Mr. Miller, 3 ;  
Of Mr. McIntosh, 226.

MESSAGES from the Governor, 6, 38, 47, 48, 49, 60, 126,  
144, 148, 179, 194, 200, 224, 228, 249, 276,  
293, 302, 317, 320, 324, 343, 353, 356, 382,  
386, 390, 391, 411, 412, 423.

MESSAGES from the House, 4, 5, 32, 41, 42, 44, 50, 51, 52, 59, 60, 66, 67, 71, 72, 75, 77, 81, 86, 89, 94, 96, 98, 108, 113, 114, 115, 118, 122, 125, 140, 144, 148, 154, 155, 162, 167, 183, 194, 195, 201, 205, 206, 207, 215, 222, 223, 229, 233, 249, 250, 254, 258, 263, 264, 276, 277, 282, 283, 287, 288, 292, 297, 303, 304, 305, 306, 317, 324, 332, 333, 336, 337, 340, 346, 347, 353, 354, 355, 361, 362, 363, 365, 368, 369, 382, 386, 387, 389, 390, 402, 403, 413, 414, 415, 416, 424, 425, 426, 430.

MOTIONS, to amend, by Mr. Worthy, 46, 69, 74, 79, 112, 148, 217, 218, 286, 310, 320, 321, 335, 367, 368, 373, 389, 397, 401 ;  
 By Mr. Mabry, 46, 197, 257, 309, 310, 312 ;  
 By Mr. Barr, 59, 217, 410.  
 By Mr. Bromberg, 66, 105, 119, 121, 149, 173, 261, 329 ;  
 By Mr. Yordy, 69, 120, 123, 197, 274, 296, 312, 385, 409 ;  
 By Mr. Oliver, 70, 102, 113, 196, 214, 215, 217, 226, 245, 257, 265, 310, 320, 328, 364, 385, 398, 417 ;  
 By Mr. Foster, 73, 97, 107, 233, 251, 265, 275, 405 ;  
 By Mr. Whitney, 90, 104, 167, 172, 231, 296, 305, 316, 364 ;  
 By Mr. Richards, 91, 93, 121 ;  
 By Mr. King, 95, 102, 112, 218 ;  
 By Mr. Farden, 100, 101, 255, 260, 261, 265, 277, 284, 310, 324, 366, 385, 404 ;  
 By Mr. Coon, 101, 119, 120, 121, 196, 197, 208, 217, 218, 245, 251, 275, 321, 340, 364, 400, 402 ;  
 By Mr. Pennington, 107, 120, 168, 231, 309, 328, 335, 338, 347, 405 ;  
 By Mr. Jones, 108, 113, 259, 309, 310, 312, 347, 348, 366, 367, 404, 418 ;  
 By Mr. Hinds, 121 ;  
 By Mr. Sanford, 121 ;  
 By Mr. Miller, 198, 320 ;  
 By Mr. Sibley, 218, 260, 265, 309, 367, 405 ;  
 By Mr. Mahan, 218 ;

## MOTIONS, to amend—Continued.

By Mr. Lambert, 245, 290, 310, 367, 399, 401,  
402, 417 ;

By Mr. Wyman, 253 ;

By Mr. Sevier, 265, 291, 320, 342, 364, 367,  
371 ;

By Mr. McAfee, 275, 216, 327, 329 ;

By Mr. McIntosh, 286, 316.

## TO POSTPONE, indefinitely—

By Mr. Bromberg, 40, 334, 358.

By Mr. Foster, 103.

By Mr. Sibley, 104.

By Mr. Oliver, 226.

By Mr. Whitney, 277.

By Mr. Worthy, 374.

## TO POSTPONE, to a certain day —

By Mr. Foster, 93, 108.

By Mr. Lambert, 109.

By Mr. Sanford, 120, 291.

By Mr. Bromberg, 123, 298.

By Mr. Barr, 124.

By Mr. Whitney, 149, 202.

By Mr. Farden, 202.

By Mr. Coon, 324.

By Mr. Mabry, 324.

## TO PRINT—

By Mr. Barr, 28.

By Mr. Whitney, 31.

By Mr. Farden, 47.

By Mr. Sibley, 47.

By Mr. Oliver, 47.

By Mr. Pennington, 66, 369, 422.

By Mr. Coon, 89, 143.

## TO RECONSIDER—

By Mr. Farden, 41.

By Mr. Sibley, 61.

By Mr. Whitney, 104, 312.

By Mr. Barr, 178, 183.

By Mr. Bromberg, 321.

By Mr. Jones, 402.

## TO LAY ON THE TABLE--

- By Mr. Farden, 5, 104, 115, 119, 278.
- By Mr. Jones, 66, 417.
- By Mr. Worthy, 69, 74, 143, 291, 329, 372, 385, 398, 418.
- By Mr. Pennington, 71, 90, 108, 255, 259, 265, 389.
- By Mr. Sanford, 79, 107.
- By Mr. Coon, 89, 103, 255, 311, 340, 364, 368, 399.
- By Mr. King, 95, 338, 347.
- By Mr. Richards, 95.
- By Mr. Bromberg, 100.
- By Mr. Foster, 103, 233.
- By Mr. Barr, 173, 182, 251, 364.
- By Mr. Mabry, 202, 245, 265.
- By Mr. Oliver, 231, 259, 383.
- By Mr. Yordy, 231, 251.
- By Mr. Hinds, 235, 264.
- By Mr. Whitney, 255, 277, 314, 422.
- By Mr. Sibley, 321, 258, 402.
- By Mr. Stow, 381.

## PREVIOUS QUESTION—

- By Mr. Whitney, 143, 153, 260.

## PROTESTS—

- By Mr. Farden, 123, 151.
- By Mr. King, 151.
- By Mr. Johnston, 151.
- By Mr. Sevier, 151, 163.
- By Mr. Bromberg, 156.
- By Mr. McAfee, 157.
- By Mr. Lambert, 157.
- By Mr. Yordy, 157.
- By Mr. Sibley, 163.
- By Mr. Sanford, 163.
- By Mr. Mabry, 330.

**REPORTS, of Standing Committees—**

**Judiciary—**By Mr. McAfee, 70, 74, 81, 90, 115,  
116, 143, 148, 151, 184, 185, 187, 336, 360,  
367, 373, 374, 407, 418.

**Registration—**

By Mr. Sibley, 339, 349.

**Public Buildings and Institutions—**

By Mr. Worthy, 98, 210.

**Municipal and County Organizations—**

By Mr. Sanford, 65, 74, 90, 100,  
139, 226, 228, 229, 233, 253,  
254, 279, 280, 281, 300, 351,  
352, 405.

**Taxation—**

By Mr. Wyman, 47, 69, 90, 140, 210,  
275.

By Mr. Sanford, 319, 320, 334, 335.

**Education—**

By Mr. Richards, 46, 58, 215, 279,  
336.

**Agriculture and Manufactures—**

By Mr. Lambert, 147, 260.

**Internal Improvements—**

By Mr. Coon, 116, 144, 145, 183, 196,  
202, 301, 305, 309, 372, 375, 381,  
383, 405.

By Mr. Farden, 423.

**Printing—**

By Mr. Farden, 69, 282.

**Finance—**

By Mr. Stow, 73, 81, 102, 115, 126,  
184, 293, 398, 404.

By Mr. Lambert, 349.



## REPORTS, of Standing Committees—Continued.

## Grievances and Disabilities—

By Mr. Oliver, 74, 140, 281,  
282, 352.

## Federal Relations—

By Mr. Pennington, 146, 210.

## Banks and Insurance—

By Mr. Miller, 76, 145, 283, 319.

## Accounts and Claims—

By Mr. Foster, 360, 410.

## Fees and Salaries—

By Mr. Sevier, 69, 77, 140, 306,  
313, 336.

## Poor Laws and Charitable Institutions—

By Mr. King, 81, 211.

## Rules and Regulations—

By Mr. Bromberg, 202, 319.

## Engrossed Bills—

By Mr. Jones, 44, 89, 100, 169,  
182, 228, 266.

By Mr. Whitney, 301.

By Mr. Miller, 316, 325, 326, 334,  
348, 374, 384, 387, 399, 408.

## Enrolled Bills—

By Mr. Yordy, 46, 126, 172, 186,  
195, 208, 224, 273, 284, 288,  
301, 311, 318, 322, 323, 343,  
348, 354, 366, 373, 384, 387,  
399, 407, 417.

## Roads and Public Highways—

By Mr. Whitney, 73, 349.

## REPORTS of Select Committees—

By Mr. Pennington, 40, 100, 126,  
335, 336, 352.

By Mr. Worthy, 51, 145, 155, 195,  
196, 211, 232, 381.

By Mr. Jones, 71, 196, 248.

By Mr. Afee, 78, 100, 321, 389.

## REPORTS, of Select Committees—Continued.

- By Mr. Stow, 89, 321.
- By Mr. Richards, 95, 375, 379.
- By Mr. Wyman, 103.
- By Mr. Barr, 123, 275.
- By Mr. Sibley, 173, 397.
- By Mr. Miller, 188, 192.
- By Mr. Mabry, 232, 276, 300, 370.
- By Mr. Yordy, 234.
- By Mr. Bromberg, 248, 301, 323, 336, 369.
- By Mr. Lambert, 277, 350.
- By Mr. Farden, 335, 340, 397, 398.
- By Mr. Martin, 348.
- By Mr. Hinds, 352.
- By Mr. Glass, 352.
- By Mr. Coon, 371, 372.
- By Mr. Sevier, 383.
- By Mr. Foster, 423.

## RESOLUTIONS—

- By Mr. Foster, 28.
- By Mr. Bennington, 31, 34, 140, 292.
- By Mr. Whitney, 32, 336.
- By Mr. Farden, 32, 47, 48.
- By Mr. Sibley, 43, 62, 365.
- By Mr. Barr, 54, 222.
- By Mr. Bromberg, 54, 306.
- By Mr. Coon, 58, 75, 91, 152.
- By Mr. Worthy, 64, 294, 336, 350, 422.
- By Mr. Lambert, 65.
- By Mr. Richards, 101, 316.
- By Mr. Wyman, 253.
- By Mr. Jones, 253, 371.
- By Mr. Mabry, 315.
- By Mr. McIntosh, 340.

## RULES, NEW—

- By Mr. Coon, 5, 54.
- By Mr. Pennington, 6.
- By Mr. Farden, 34, 229.
- By Mr. Sanford, 76.
- By Mr. Whitney, 77.
- By Mr. Foster, 169.

YEAS AND NAYS—36, 37, 59, 65, 66, 69, 70, 77, 79, 87,  
90, 95, 96, 97, 98, 101, 103, 104, 108,  
109, 110, 112, 113, 115, 119, 120, 121,  
122, 144, 145, 147, 148, 149, 153, 154,  
173, 182, 184, 185, 187, 197, 199, 208,  
210, 211, 215, 219, 222, 228, 229, 230,  
231, 245, 251, 253, 254, 255, 257, 260,  
261, 262, 264, 266, 280, 289, 392, 298,  
299, 305, 310, 311, 313, 314, 315, 319,  
321, 322, 324, 328, 338, 339, 342, 349,  
350, 368, 369, 373, 374, 381, 398, 401,  
402, 409, 410, 418, 422, 426, 430.

# OFFICERS AND MEMBERS

## OF THE

# SENATE OF ALABAMA,

**With their Post-offices and Counties.**

---

NAMES OF SENATORS.	POST-OFFICE.	COUNTY.
Applegate, A. J., Lt. Gov. and Pres't.	Mobile . . . . .	Mobile.
Blue, M. P., Secretary . . . . .	Montgomery.	Montg'mery
Whiting, D. C., Assistant Secretary.	Decatur . . . . .	Morgan.
J. E. Farden, Journal Secretary . . .	Montgomery.	Montg'mery
Rev. McCutchen, J. A., Chaplain . . .	Wetumpka . . .	Elmore.
Jones, W. M., Sergeant-at-Arms . . .	Montgomery.	Montg'mery
Craig, H. H., Door-keeper . . . . .	"	"
Blue, Neil W., Page . . . . .	"	"
Carter, Eugene, Page . . . . .	"	"
Barr, H. H., Messenger . . . . .	Claiborne . . .	Monroe.
Bryant, W. E., Doorkeeper of gallery	Opelika . . . .	Lee.
Allen, Elias, Hall attendant . . . . .	Montgomery.	Montg'mery
Peace, Moses, Hall attendant . . . . .	"	"
Barr, R. N., Senator . . . . .	Claiborne . . .	Monroe.
Bromberg, F. G., Senator . . . . .	Mobile . . . . .	Mobile.
Buckley, W. M., " . . . . .	Hayneville . .	Lowndes.
Coon, D. E., " . . . . .	Selma . . . . .	Dallas.
Farden, J. A., " . . . . .	Montgomery.	Montg'mery
Foster, J. T., " . . . . .	Mobile . . . . .	Mobile.
Glass, W. W., " . . . . .	Society Hill .	Macon.
Hinds, J. J., " . . . . .	Decatur . . . .	Morgan.
Johnston, Burrell, " . . . . .	Greensboro' .	Hale.
Jones, W. B., " . . . . .	Demopolis . .	Marengo.
King, Phillip, " . . . . .	Haw Ridge . .	Dale.
Lambert, Thomas, " . . . . .	Rockford . . .	Coosa.
Lentz, B., " . . . . .	Athens . . . . .	Limestone.
Mabry, J. W., " . . . . .	Clayton . . . .	Barbour.
Mahan, J. W., " . . . . .	Briarfield . .	Bibb.
McAfee, G. T., " . . . . .	Talladega . . .	Talladega.
McIntosh, A. M., " . . . . .	Eutaw . . . . .	Greene.

NAMES OF SENATORS.	POST-OFFICE.	COUNTY.
Martin, W. B., Senator.....	Columbus...	Georgia.
Miller, Wm., Jr.,	“	Greenville ..Butler.
Morton, J. F.,	“	Dublin.....Fayette.
Oliver, John,	“	Round Pond.Jefferson.
Pennington, J. L.,	“	Opelika ....Lee.
Richards, J. DeF.,	“	Camden,....Wilcox.
Royal, B. F.,	“	Union Sp'ngsBullock.
Sanford, H. C.,	“	Ladiga.. ....Cherokee.
Sevier, D. V.,	“	Frankfort. ..Colbert.
Sibley, Isaac D.,	“	Huntsville...Madison.
Stow, J. P.;	“	Montgomery.Montg'mery
Whitney, C. O.,	“	Scottsboro'..Jackson.
Wise, H. H.,	“	Arbacoochee.Clay.
Worthy, A. N.,	“	Troy. ....Pike.
Wyman, F. D.,	“	Uniontown..Perry.
Yordy, J. A.,	“	Mobile .....Mobile.